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WAR FOOD ADMINISTRATION
Office of Distribution
Washington 25, D. C.

CORRECTION NOTICE:

In printing WFO 44 Amendment 3 the following errors occurred:

In paragraph (b) Class 6, the month July erroneously appeared and the word pursuant was omitted. This paragraph should read;
"Pilchard (*Sardinia caerulea*) by whatever name known, including, but not being limited to, sardines. (For the period March 1, 1944 to June 24, 1944, both dates inclusive) Quota percentage pursuant to (b) (2) hereof; 45 percent. (For the period June 25, 1944 to February 28, 1945, both dates inclusive) Quota percentage pursuant to (b) (2) hereof: 55 percent."

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U. S. DEPARTMENT OF AGRICULTURE

WFO 44

AMDT. 3
JUNE 29, 1944

WAR FOOD ADMINISTRATION

[WFO 44, Amdt. 3]

PART 1465—FISH AND SHELLFISH

RESTRICTIONS ON 1944 PACK OF CANNED FISH

War Food Order No. 44, as amended (8 F.R. 4227; 9 F.R. 4321, 4319), is further amended to read as follows:

§ 1465.20 *Restrictions relative to the 1944 pack of canned fish*—(a) *Definitions*. (1) "Canner" means any person who is the first owner of canned fish.

(2) "Can" means (i) to pack fish in the Continental United States or in the Territory of Alaska for commercial purposes in hermetically sealed metal or glass containers and (ii) to sterilize the fish packed in such containers by the use of heat.

(3) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(4) "1944 pack" means the total net weight of canned fish of each class designated in (b) (1) hereof, for the respective period indicated therein.

(5) "Director" means the Director of Distribution, War Food Administration.

(6) "Government agency" means the War Food Administration (including, but not being limited to, any corporate agency thereof) and any other agency or instrumentality of the United States designated by the Director.

(b) *Restrictions on canners*. (1) No canner may sell or deliver any canned fish of his 1944 pack except as permitted by the provisions of this order. The fish subject to the provisions of this order are, by classes, designated as follows:

Class 1. Salmon: Red, sockeye, or blueback (Oncorhynchus nerka). For the period March 1, 1944, to February 28, 1945, both dates inclusive) Quota percentage pursuant to (b) (2) hereof: 60 percent.

Class 2. Salmon: Pink (Oncorhynchus gorbuscha). (For the period March 1, 1944, to February 28, 1945, both dates inclusive) Quota percentage pursuant to (b) (2) hereof: 60 percent.

Class 3. Salmon: Silver, silverside, medium red, or coho (Oncorhynchus kisutch). (For the period March 1, 1944, to February 28, 1945, both dates inclusive) Quota percentage pursuant to (b) (2) hereof: 60 percent.

Class 4. Salmon: King, chinook, or spring (Oncorhynchus tshawytscha). (For the period March 1, 1944, to February 28, 1945, both dates inclusive) Quota percentage pursuant to (b) (2) hereof: 60 percent.

Class 5. Salmon: Chum or keta (Oncorhynchus keta). (For the period March 1, 1944, to February 28, 1945, both dates inclusive) Quota percentage pursuant to (b) (2) hereof: 40 percent.

Class 6. Pilchard (Sardinia caerulea) by whatever name known, including, but not being limited to, sardines. (For the period

March 1, 1944, to June 24, 1944, both dates inclusive) Quota percentage pursuant to (b) (2) hereof: 45 percent. (For the period July 25, 1944, to February 28, 1945, both dates inclusive) Quota percentage to (b) (2) hereof: 55 percent.

Class 7. Atlantic sea herring (Clupea harengus) by whatever name known, including, but not being limited to, sardines. (For the period March 1, 1944, to June 24, 1944, both dates inclusive) Quota percentage pursuant to (b) (2) hereof: 45 percent. (For the period June 25, 1944, to February 28, 1945, both dates inclusive) Quota percentage pursuant to (b) (2) hereof: 55 percent.

Class 8. Atlantic mackerel (Scomber scombrus). (For the period March 1, 1944, to June 24, 1944, both dates inclusive) Quota percentage pursuant to (b) (2) hereof: 45 percent. (For the period June 25, 1944, to February 28, 1945, both dates inclusive) Quota percentage pursuant to (b) (2) hereof: 55 percent.

Class 9. Pacific mackerel (pneumatophorus, japonicus diego) and Pacific horse mackerel (Trachurus symmetricus). (For the period March 1, 1944, to June 24, 1944, both dates inclusive) Quota percentage pursuant to (b) (2) hereof: 45 percent. (For the period June 25, 1944, to February 28, 1945, both dates inclusive) Quota percentage pursuant to (b) (2) hereof: 55 percent.

(2) Sixty percent, by net weight, of each canner's 1944 pack of each class numbered 1 to 4, inclusive (designated in (b) (1) hereof), 40 percent, by net weight, of each canner's 1944 pack of class 5 (designated in (b) (1) hereof), 45 percent, by net weight, of each canner's 1944 pack of each class numbered 6 to 9, inclusive (designated in (b) (1) hereof for the period March 1, 1944, to June 24, 1944, both dates inclusive), and 55 percent, by net weight, of each canner's 1944 pack of each class numbered 6 to 9, inclusive (designated in (b) (1) hereof for the period June 25, 1944, to February 28, 1945, both dates inclusive), are hereby established as each canner's respective quotas of his 1944 pack for sale or delivery to government agencies. No canner may sell or deliver, in the aggregate, to government agencies a total quantity, by net weight, of his 1944 pack of the fish of any class (designated in (b) (1) hereof) in excess of a quantity of canned fish equal to the percentage of his 1944 pack of such class plus 60,000 pounds, by net weight, of the canned fish of the 1944 pack of such class.

(3) For each 60 pounds of canned fish of any class numbered 1 to 4, inclusive (designated in (b) (1) hereof), which a canner has sold or delivered to any government agency or with respect to which he has submitted to any government agency a written tender of delivery of such canned fish in compliance with a written contract between such canner

and such government agency, such canner may sell or deliver 40 pounds of canned fish of the same class to persons other than a government agency: *Provided*, That, prior to the time of each such written tender, such canner had obtained, with respect to the canned fish included in such written tender, an inspection certificate, issued by an inspection service approved by the government agency to which the tender has been made, indicating that such canned fish meets all the specifications set forth in such canner's aforesaid written contract for such canned fish.

(4) For each 40 pounds of canned fish of the class numbered 5 (designated in (b) (1) hereof) which a canner has sold or delivered to any government agency or with respect to which he has submitted to any government agency a written tender of delivery of such canned fish in compliance with a written contract between such canner and such government agency, such canner may sell or deliver 60 pounds of canned fish of the same class to persons other than a government agency: *Provided*, That, prior to the time of each such written tender, such canner had obtained, with respect to the canned fish included in such written tender, an inspection certificate, issued by an inspection service approved by the government agency to which the tender has been made, indicating that such canned fish meets all the specifications set forth in such canner's aforesaid written contract for such canned fish.

(5) For each 45 pounds of canned fish of any class numbered 6 to 9, inclusive (designated in (b) (1) hereof for the period March 1, 1944, to June 24, 1944, both dates inclusive), which a canner has sold or delivered to any government agency or with respect to which he has submitted to a government agency a written tender of delivery of such canned fish in compliance with a written contract between such canner and such government agency, such canner may sell or deliver 55 pounds of canned fish of the same class to persons other than a government agency: *Provided*, That, prior to the time of each such written tender, such canner had obtained, with respect to the canned fish included in such written tender, an inspection certificate, issued by an inspection service approved by the government agency to which the tender has been made, indicating that such canned fish meets all the specifications set forth in such canner's aforesaid written contract for such canned fish.

(6) For each 55 pounds of canned fish of any class numbered 6 to 9, inclusive (designated in (b) (1) hereof for the period June 25, 1944, to February 28, 1945, both dates inclusive), which a canner has sold or delivered to any government agency or with respect to which he has submitted to any government agency a written tender of delivery of such canned fish in compliance with a written contract between such canner and such government agency, such canner may sell or deliver 45 pounds of canned fish of the same class to persons other than a government agency: *Provided*, That, prior to the time of each such written tender, such canner had obtained, with respect to the canned fish included in such written tender, an inspection certificate, issued by an inspection service approved by the government agency to which the tender has been made, indicating that such canned fish meets all the specifications set forth in such canner's aforesaid written contract for such canned fish.

(7) If any canner's 1944 pack of canned fish of any class (designated in (b) (1) hereof) is less than 4,800 pounds, such canner may consider such canned fish as a part of his 1944 pack of canned fish of any other class (designated in (b) (1) hereof).

(8) The Director may issue specifications at any time relative to the packing of the canned fish, the containers, container treatment, can marking, labeling, boxing, and strapping in connection therewith, or he may authorize any government agency to issue such specifications. Each person subject to the provisions of this order shall comply with such specifications, issued by the Director or the government agency authorized by the Director to issue such specifications, applicable to the canned fish processed by such person.

(c) *Inspection and grading.* All canned fish subject to the provisions of this order shall be subject to inspection and grading at any time by the Director or any government agency authorized by the Director to make such inspection and grading.

(d) *Contracts.* The restrictions of this order shall be observed without regard to contracts heretofore or hereafter en-

tered into, or any rights accrued or payments made thereunder. This order shall not, however, be construed as reducing the amount of canned fish of the 1944 pack which any person is required to offer or deliver pursuant to contracts heretofore or hereafter entered into with any government agency.

(e) *Records and reports.* (1) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

(2) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in canned fish.

(f) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of canned fish of any person, and to make such investigations, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

(g) *Applicability of order.* Any person doing business in one or more of the 48 States, the District of Columbia, or the Territory of Alaska, is subject to the provisions hereof, but the provisions hereof shall not apply to any person doing business in any other Territory or Possession of the United States with respect to such business.

(h) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using canned fish, or any other material subject to priority or allocation control by any governmental agency. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(i) *Delegation of authority.* The administration of this order and the pow-

ers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order; and one such employee shall be designated by the Director to serve as Order Administrator.

(j) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(k) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise provided herein or in instructions issued by the Director, be addressed to the Director of Distribution, War Food Administration, Washington, 25, D. C. Ref. WFO-44.

(l) *Effective date.* The provisions of this order shall become effective at 12:01 a. m., e. w. t., June 25, 1944. With respect to violations, rights accrued, liabilities incurred, or appeals taken under War Food Order No. 44, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 44, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

NOTE: All record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 29th day of June 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

War Food Administration, Summary to WFO 44 Amendment 3.

More canned fish from the 1944 pack than was previously estimated has been reserved by the government because of substantial increases in military and other war requirements, the War Food Administration announced today.

A new provision reserves 40 percent of the chum salmon packed during the period March 1, 1944, to February 28, 1945 inclusive. Packers must continue to reserve 60 percent of all other species of salmon except steelhead, packed during the same period.

The quantity of pilchards, Atlantic sea herring, Atlantic mackerel and Pacific mackerel packed during the period June 25, 1944, to February 28, 1945, to be reserved, has been increased from 45 percent to 55 percent.

For fish of the above species packed during the period March 1, 1944, to June 24, 1944, the quota for delivery to the government remains at 45 percent.

This action is contained in an amendment, effective June 25, to War Food Order 44, which regulates the pack of canned fish.

According to current estimates of the 1944-45 pack, the new reserve provisions are expected to obtain an additional quantity of approximately 42 million pounds of all types of canned fish for government needs.

The amendment also includes a provision for relieving shipping difficulties by allowing canners, who pack less than 4,800 pounds of a particular species, to substitute a like quantity of another species when delivering the portion of their pack reserved for governmental use.

WAR FOOD ADMINISTRATION
OFFICE OF DISTRIBUTION
WASHINGTON 25, D. C.

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SEP 16 1944

U. S. DEPARTMENT OF AGRICULTURE

WFO 44

AMDT. 5
AUG. 29, 1944

WAR FOOD ADMINISTRATION

[WFO 44, Amdt. 5]

PART 1465—FISH AND SHELLFISH

RESTRICTIONS ON 1944 PACK OF CANNED FISH

War Food Order No. 44, as amended (8 F.R. 4227, 8797; 9 F.R. 2489, 4321, 4319, 7361), is further amended as follows:

(1) By deleting the provisions of § 1465.20 (b) (2) and inserting, in lieu thereof, the following:

(2) Seventy percent, by net weight, of each canner's 1944 pack of each of the classes numbered 1, 2, 3, or 5 (designated in (b) (1) hereof) is hereby established as his respective quotas of the 1944 pack of such classes for sale or delivery to government agencies: *Provided*, That, for the purpose of making such computations, there shall not be considered as a part of the 1944 pack of any such class any portion thereof which, at 12:01 a. m., p. w. t., August 30, 1944, the particular canner has either (i) delivered to government agencies, or with respect to which he has submitted a written tender to government agencies in accordance with the conditions of a written contract; or (ii) has sold, or has on hand unsold which he is entitled to sell, pursuant to the provisions of this order, to persons other than government agencies. Sixty percent, by net weight, of each canner's 1944 pack of the class numbered 4 (designated in (b) (1) hereof) is hereby established as his quota of his 1944 pack of such class for sale or delivery to government agencies. Forty-five percent, by net weight, of each canner's 1944 pack of each of the classes numbered from 8 to 9, inclusive (designated in (b) (1) hereof), for the period March 1, 1944, to June 24, 1944, both dates inclusive, and 55 percent, by net weight, of each canner's 1944 pack

of each of the classes numbered from 6 to 9, inclusive (designated in (b) (1) hereof), for the period June 25, 1944, to February 28, 1945, both dates inclusive, are hereby established as each canner's respective quotas of his 1944 pack of each of the said classes numbered from 6 to 9, inclusive, for sale or delivery to government agencies. No canner may sell or deliver, in the aggregate, to government agencies, a total quantity, by net weight, of his 1944 pack of any class of canned fish (designated in (b) (1) hereof) in excess of a quantity of canned fish equal to the percentage of his 1944 pack of such class plus 60,000 pounds, by net weight, of the canned fish of such class.

(2) By deleting §§ 1465.20 (b) (3) and (4) and inserting, in lieu thereof, the following:

(3) For each 70 pounds of canned fish of any class numbered either 1, 2, 3, or 5 (designated in (b) (1) hereof) which a canner has sold or delivered to government agencies, or with respect to which he has submitted to government agencies a written tender of delivery of such canned fish in compliance with a written contract between such canner and such government agencies, such canner may sell or deliver 30 pounds of canned fish of the same class to persons other than government agencies: *Provided*, That, prior to the time of each such written tender, such canner had obtained, with respect to the canned fish included in such written tender, an inspection certificate, issued by an inspection service approved by the government agency to which the tender has been made, indicating that such canned fish meets all the specifications set forth in such canner's written contract for such canned fish.

(4) For each 60 pounds of canned fish

of the class numbered 4 (designated in (b) (1) hereof) which a canner has sold or delivered to government agencies, or with respect to which he has submitted to any government agency a written tender of delivery of such canned fish in compliance with a written contract between such canner and government agency, such canner may sell or deliver 40 pounds of canned fish of the same class to persons other than government agencies: *Provided*, That, prior to the time of each such written tender, such canner had obtained, with respect to the canned fish included in such written tender, an inspection certificate, issued by an inspection service approved by the government agency to which the tender has been made, indicating that such canned fish meets all the specifications set forth in such canner's aforesaid written contract for such canned fish.

This order shall become effective at 12:01 a. m., p. w. t., August 30, 1944. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 44, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 44, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 29th day of August 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

War Food Administration, Summary to WFO-44 Amendment 5.

Increase in the percentages of four grades of canned salmon, required to be reserved from the current pack, for delivery to government agencies, is announced by the War Food Administration. The increase in the quantity required to be reserved for military and war services was made necessary because

the 1944 pack is running considerably short of the pre-season estimate.

The action, taken in amendment 5 to War Food Order No. 44, increases from 60 percent to 70 percent, the amount of canned red, coho and pink salmon to be reserved. Chum salmon percentage is increased from 40 to 70 percent. King (chinook) salmon remains unchanged at 60 percent, and percentages applying to all other classes of canned fish also remain unchanged.

The amendment, effective August 30, provides that canned salmon already tendered to government agencies and canned salmon sold or entitled to be sold to civilians under the conditions of amendment 3 of the order, will be exempt from the increased percentages. All other 1944 pack canned salmon of the specified grades, is subject to the revised percentages.

JAN. 13, 1945

WAR FOOD ADMINISTRATION

[WFO 44, Amdt. 7]

PART 1465—FISH AND SHELLFISH

RESTRICTIONS ON 1944 PACK OF CANNED FISH

War Food Order No. 44, as amended (8 F.R. 4227, 8797, 9 F.R. 2489, 4321, 4319, 7361, 10624, 10 F.R. 103) is further amended as follows:

1. By deleting the provisions of § 1465.20 (b) (1) and inserting, in lieu thereof, the following:

(b) *Restrictions on canners.* (1) No canner may sell or deliver any canned fish of his 1944 pack except as permitted by the provisions of this order. The fish subject to the provisions of this order are, by classes, designated as follows:

Class 1. Salmon: Red, sockeye, or blueback (*Oncorhynchus nerka*). (For the period March 1, 1944, to March 31, 1945, both dates inclusive) Quota percentage pursuant to (b) (2) hereof: 70 percent.

Class 2. Salmon: Pink (*Oncorhynchus gorbuscha*). (For the period March 1, 1944, to March 31, 1945, both dates inclusive) Quota percentage pursuant to (b) (2) hereof: 70 percent.

Class 3. Salmon: Silver, silverside, medium red, or coho (*Oncorhynchus kisutch*). (For the period March 1, 1944, to March 31, 1945, both dates inclusive) Quota percentage pursuant to (b) (2) hereof: 70 percent.

Class 4. Salmon: King, chinook, or spring (*Oncorhynchus tshawytscha*). (For the period March 1, 1944, to March 31, 1945, both dates inclusive) Quota percentage pursuant to (b) (2) hereof: 60 percent.

Class 5. Salmon: Chum or keta (*Oncorhynchus keta*). (For the period March 1, 1944, to March 31, 1945, both dates inclusive) Quota percentage pursuant to (b) (2) hereof: 70 percent.

Class 6. Pilchard (*Sardinia caerulea*), by whatever name known, including, but not being limited to, sardines. (For the period March 1, 1944, to June 24, 1944, both dates inclusive) Quota percentage pursuant to (b) (2) hereof: 45 percent. (For the period June 25, 1944, to January 13, 1945, both dates inclusive) Quota percentage pursuant to (b) (2) hereof: 55 percent. (For the period January 14, 1945, to March 31, 1945, both dates inclusive) Quota percentage pursuant to (b) (2) hereof: 100 percent.

Class 7. Atlantic sea herring (*Clupea harengus*), by whatever name known, including, but not being limited to, sardines. (For the period March 1, 1944, to June 24, 1944, both dates inclusive) Quota percentage pursuant to (b) (2) hereof: 45 percent. (For the period June 25, 1944, to March 31, 1945, both dates inclusive) Quota percentage pursuant to (b) (2) hereof: 55 percent.

Class 8. Atlantic mackerel (*Scomber scombrus*). (For the period March 1, 1944, to June 24, 1944, both dates inclusive) Quota percentage pursuant to (b) (2) hereof: 45 percent. (For the period June 25, 1944, to March 31, 1945, both dates inclusive) Quota percentage pursuant to (b) (2) hereof: 55 percent.

Class 9. Pacific mackerel (*pneumatophorus japonicus diego*) and Pacific horse mackerel (*Trachurus symmetricus*). (For the period March 1, 1944, to June 24, 1944, both dates inclusive) Quota percentage pursuant to (b) (2) hereof: 45 percent. (For the period June 25, 1944, to January 13, 1945, both dates inclusive) Quota percentage pursuant to (b) (2) hereof: 55 percent. (For the period January 14, 1945, to March 31, 1945, both dates inclusive) Quota percentage pursuant to (b) (2) hereof: 100 percent.

2. By deleting the provisions of § 1465.20 (b) (2) and inserting, in lieu thereof, the following:

(2) Seventy percent, by net weight, of each canner's 1944 pack of each of the classes numbered 1, 2, 3, or 5 (designated in (b) (1) hereof) is hereby established as his respective quotas of the 1944 pack of such classes for sale or delivery to government agencies: *Provided*, That, for the purpose of making such computations, there shall not be considered as a part of the 1944 pack of any such class any portion thereof which, at 12:01 a. m., p. w. t., August 30, 1944, the particular canner has either (i) delivered to government agencies, or with respect to which he has submitted a written tender to government agencies in accordance with the conditions of a written contract; or (ii) has sold, or has on hand unsold which he is entitled to sell, pursuant to the provisions of this order, to persons other than government agencies. Sixty percent, by net weight, of each canner's 1944 pack of the class numbered 4 (designated in (b) (1) hereof) is hereby established as his quota of his 1944 pack of such class for sale or delivery to government agencies. Forty-five percent, by net

weight, of each canner's 1944 pack of each of the classes numbered from 6 to 9, both inclusive (designated in (b) (1) hereof), for the period March 1, 1944, to June 24, 1944, both dates inclusive; fifty-five percent, by net weight, of each canner's 1944 pack of each of the classes numbered from 6 to 9, both inclusive (designated in (b) (1) hereof) for the period June 25, 1944, to January 13, 1945, both dates inclusive; fifty-five percent, by net weight, of each canner's 1944 pack of each of the classes numbered 7 or 8 (designated in (b) (1) hereof) for the period January 14, 1945, to March 31, 1945, both dates inclusive; and one hundred percent, by net weight, of each canner's 1944 pack of each of the classes numbered 6 or 9 (designated in (b) (1) hereof) for the period January 14, 1945, to March 31, 1945, both dates inclusive, are hereby established as each canner's respective quotas of his 1944 pack of each of the said classes numbered 6 to 9 inclusive, for sale or delivery to government agencies. No canner may sell or deliver, in the aggregate, to government agencies, a total quantity, by net weight, of his 1944 pack of any class of canned fish (designated in (b) (1) hereof) in excess of a quantity of canned fish equal to the percentage of his 1944 pack of such class plus sixty thousand pounds, by net weight, of the canned fish of such class.

The provisions of this amendment shall become effective at 12:01 a. m., p. w. t., January 14, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 44, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 44, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 13th day of January 1945.

WILSON COWEN,
Assistant War Food Administrator.

War Food Administration,
Summary to WFO-44, Amendment 7.

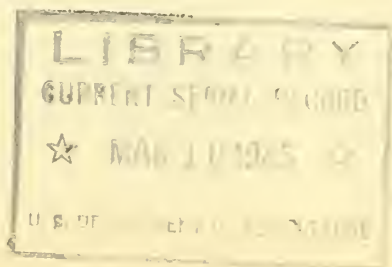
Packers of California pilchards, Pacific mackerel and Pacific horse mackerel have been ordered by the War Food Administration to increase their quotas to be reserved for delivery to government agen-

cies, from 55 percent of each canner's pack to 100 percent of the pack. Percentages on other classes of canner fish remain unchanged.

The action is taken in amendment 7 to War Food Order 44 and becomes effective Jan. 14, 1945. Its provisions

affect only the fish packed on and after the effective date. The amendment results from recent increased requirements of the armed services.

The amendment also extends the effective period of WFO 44 from February 28, 1945 to March 31, 1945, for all classes of fish included in the order.



WAR FOOD ADMINISTRATION

[WFO 44, Amdt. 8]

PART 1465—FISH AND SHELLFISH

RESTRICTIONS ON 1945 PACK OF CANNED FISH

War Food Order No. 44, as amended (9 F.R. 7361, 9584, 10624; 10 F.R. 103, 555), as further amended to read as follows:

§ 1465.20 *Restrictions relative to the 1945 pack of canned fish*—(a) *Definitions*. (1) "Canner" means any person who is the first owner of canned fish.

(2) "Can" means (i) to pack fish in the Continental United States or in the Territory of Alaska for commercial purposes in hermetically sealed metal or glass containers and (ii) to sterilize the fish packed in such containers by the use of heat.

(3) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(4) "1945 pack" means the total net weight of canned fish of each class designated in (b) (1) hereof, for the period indicated therein.

(5) "Director" means the Director of Marketing Services, War Food Administration.

(6) "Governmental agency" means the War Food Administration (including, but not being limited to, any corporate agency thereof) and any other agency or instrumentality of the United States designated by the Director.

(b) *Restrictions on canners*. (1) No canner may sell or deliver any canned fish of his 1945 pack except as permitted by the provisions of this order. The fish subject to the provisions of this order are, by classes, designated as follows:

Class 1. Salmon: King, chinook, or spring (Oncorhynchus tshawytscha); Red, sockeye, or blueback (Oncorhynchus nerka) packed in the Continental United States. (For the period April 1, 1945, to March 31, 1946, inclusive)

Class 2. Salmon: Alaska red or sockeye (Oncorhynchus nerka) packed in the Territory of Alaska. (For the period April 1, 1945, to March 31, 1946, inclusive)

Class 3. Salmon: Silver, silverside, medium red, or coho (Oncorhynchus kisutch); Steelhead (salmo irideus, salmo clarki, salmo gairdneri). (For the period April 1, 1945, to March 31, 1946, inclusive)

Class 4. Salmon: Pink (Oncorhynchus gorbuscha). (For the period April 1, 1945, to March 31, 1946, inclusive)

Class 5. Salmon: Chum or keta (Oncorhynchus keta). (For the period April 1, 1945, to March 31, 1946, inclusive)

Class 6. Pilchard (Sardinia caerulea) by whatever name known, including, but not being limited to, sardines. (For the period April 1, 1945, to March 31, 1946, inclusive)

Class 7. Atlantic sea herring (Clupea harengus) by whatever name known, including, but not being limited to, sardines. (For the period April 1, 1945, to March 31, 1946, inclusive)

Class 8. Atlantic mackerel (Scomber scombrus). (For the period April 1, 1945, to March 31, 1946, inclusive)

Class 9. Pacific mackerel (pneumatophorus, japonicus ilego) and Pacific horse mack-

erel (trachurus symmetricus). (For the period April 1, 1945, to March 31, 1946, inclusive)

(2) Eighty percent, by net weight, of each canner's 1945 pack of each class (designated in (b) (1) hereof), numbered 1 to 9, inclusive, is hereby established as each such canner's respective quotas of the 1945 pack of such classes for sale or delivery to governmental agencies. No canner may sell or deliver, in the aggregate, to governmental agencies, a total quantity, by net weight, of his 1945 pack of the fish of any class (designated in (b) (1) hereof) in excess of a quantity of canned fish equal to the applicable quota percentage of his 1945 pack of such class plus 60,000 pounds, by net weight, of the canned fish of the 1945 pack of such class.

(3) For each 80 pounds of canned fish of the 1945 pack of any class (designated in (b) (1) hereof), numbered 1 to 9, inclusive, which a canner has sold or delivered to any governmental agency or with respect to which he has submitted to any governmental agency a written tender of delivery of such canned fish in compliance with a written contract between such canner and such governmental agency, such canner may sell or deliver 20 pounds of canned fish of the same class to persons other than a governmental agency: *Provided*, That, prior to the time of each such written tender, such canner has obtained, with respect to the canned fish included in such written tender, an inspection certificate, issued by an inspection service approved by the governmental agency to which the tender has been made, indicating that such canned fish meets all the specifications set forth in such canner's aforesaid written contract for such canned fish.

(4) If any canner's 1945 pack of canned fish of any class (designated in (b) (1) hereof) is less than 12,000 pounds such canner may consider such canned fish as a part of his 1945 pack of canned fish of any other class (designated in (b) (1) hereof).

(5) The Director may issue specifications at any time relative to the packing of the canned fish, the containers, container treatment, can marking, labeling, boxing, and strapping in connection therewith, or he may authorize any governmental agency to issue such specifications. Each person subject to the provisions of this order shall comply with such specifications, issued by the Director or the governmental agency authorized by the Director to issue such specifications, applicable to the canned fish processed by such person.

(c) *Inspection and grading*. All canned fish subject to the provisions of this order shall be subject to inspection and grading at any time by the Director or any governmental agency authorized by the Director to make such inspection and grading.

(d) *Contracts*. The restrictions of this order shall be observed without regard to contracts heretofore or hereafter en-

tered into, or any rights accrued or payments made thereunder. This order shall not, however, be construed as reducing the amount of canned fish of the 1945 pack which any person is required to offer or deliver pursuant to contracts heretofore or hereafter entered into with any governmental agency.

(e) *Records and reports*. (1) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

(2) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in canned fish.

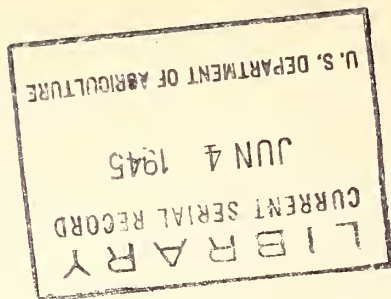
(f) *Audits and inspection*. The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of canned fish of any person, and to make such investigations, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

(g) *Applicability of order*. Any person doing business in one or more of the 48 States, the District of Columbia, or the Territory of Alaska, is subject to the provision hereof, but the provisions hereof shall not apply to any person doing business in any other Territory or Possession of the United States with respect to such business.

(h) *Violations*. Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using canned fish. In addition, any person who willfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(i) *Delegation of authority*. The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order; and one such employee shall be designated by the Director to serve as order administrator, and such other employees as may be necessary shall be designated to serve as deputy order administrators.

(j) *Petition for relief from hardship*. Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The



War Food Administration.
Summary to WFO 44, Amendment 8.
Cannery of salmon, pilchards, Atlantic Sea herring, Atlantic mackerel, and Pacific mackerel, during the period April 1, 1945 to March 31, 1946 inclusive, will be required to deliver to the Government, 80 percent of their pack. The new percentage of canned fish during the 1945-46 pack year. The action by the War Food Administration is based on increased Government, military and war needs for canned fish during the 1945-46 pack year.
During the 1944-45 pack year WFO re-served from 45 to 55 percent of the canned Sea herring and canned Atlantic

mackerel, from 60 to 70 percent of the canned salmon, and from 45 to 100 percent of the canned pilchards and canned Pacific mackerel. Except for the change in these percentages to 80 percent of each species, the order is practically the same as that in effect for the period ending March 31, 1945.
Under the new amendment, if any canner's 1945 pack of canned fish of any class is less than 12,000 pounds, he may consider such canned fish as part of his 1945 pack of canned fish of any other class. This quantity was 4,800 pounds under the order in effect until March 31, 1945.
The new amendment also contains a provision, which prohibits canners from

delivering to the civilian trade, any portion of the pack until they have delivered to the Government the corresponding Government portion of their quota.
The entire U. S. production of canned fish during the 1945-46 pack year is expected to amount to about 676 million pounds. Of these, 545,150,000 pounds are covered by the new amendment to WFO 44, consisting of 278,400,000 pounds of canned salmon, and 266,750,000 pounds of pilchards, mackerel and herring. The result of the order will therefore be to reserve for the Government 436,120,000 pounds of canned fish, the remainder of these species to be available for civilian consumption.

Director may thereupon take such action as he deems appropriate, which action shall be final.
(K) Communications. All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise provided herein or in instructions issued by the Director, be addressed to the Director of Marketing Services, War Food Administration, Washington 25, D. C. Ref. WFO-44.
(I) Effective date. The provisions of this order shall become effective at 12:01

a. m., e. w. t., April 1, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under War Food Order No. 44, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 44, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

NOTE: All record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.
(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)
Issued this 26th day of March 1945.
ASHER SISTERS,
Assistant War Food Administrator.

WAR FOOD ADMINISTRATION

[WFO 44, Amdt. 9]

PART 1465—FISH AND SHELLFISH

RESTRICTIONS ON 1945 PACK OF CANNED FISH

War Food Order No. 44, as amended (9 F.R. 7361, 9584, 10624; 10 F.R. 103, 555, 3277), is further amended as follows:

1. By deleting the provisions in § 1465.20 (b) (1) and inserting, in lieu thereof, the following:

(b) *Restrictions on canners.* (1) No canner may sell or deliver any canned fish of his 1945 pack except as permitted by the provisions of this order. Unless otherwise specified in the respective class designation, the fish subject to the provisions of this order are, by classes, designated as follows:

Class 1. Salmon: King, chinook, or spring (*Oncorhynchus tshawytscha*); Red, sockeye, or blueback (*Oncorhynchus nerka*) packed in the Continental United States. (For the period April 1, 1945, to March 31, 1946, inclusive)

Class 2. Salmon: Alaska red or sockeye (*Oncorhynchus nerka*) packed in the Territory of Alaska. (For the period April 1, 1945, to March 31, 1946, inclusive)

Class 3. Salmon: Silver, silverside, medium red, or coho (*Oncorhynchus kisutch*); Steelhead (*salmo irideus*, *salmo clarki*, *salmo gairdneri*). (For the period April 1, 1945, to March 31, 1946, inclusive)

Class 4. Salmon: Pink (*Oncorhynchus gorbuscha*). (For the period April 1, 1945, to March 31, 1946, inclusive)

Class 5. Salmon: Chum or keta (*Oncorhynchus keta*). (For the period April 1, 1945, to March 31, 1946, inclusive)

Class 6. Pilchard (*Sardinia caerulea*) by whatever name known, including, but not being limited to, sardines. (For the period April 1, 1945, to March 31, 1946, inclusive)

Class 7. Atlantic sea herring (*Clupea harengus*) by whatever name known, including, but not being limited to, sardines. (For the period April 1, 1945, to March 31, 1946, inclusive)

Class 8. Atlantic mackerel (*Scomber scombrus*). (For the period April 1, 1945, to March 31, 1946, inclusive)

Class 9. Pacific mackerel (*pneumatophorus japonicus diego*) and Pacific horse mackerel (*trachurus symmetricus*). (For the period April 1, 1945, to March 31, 1946, inclusive)

Class 10. Cod (*Gadus callarias*), haddock (*Melanogrammus aeglefinus*), hake (*Urophycis species*), pollock (*Pollachius virens*), or cusk (*Brosme brosme*) when processed and canned as the commercial product commonly known and sold under the name of fish flakes. (For the period May 20, 1945, to March 31, 1946, inclusive)

2. By deleting the provisions in § 1465.20 (b) (2) and inserting, in lieu thereof, the following:

(2) Eighty percent, by net weight, of each canner's 1945 pack of each class (designated in (b) (1) hereof), numbered 1 to 9, inclusive, is hereby established as each such canner's respective quotas of the 1945 pack of such classes for sale or delivery to governmental agencies. One hundred percent, by net weight, of each canner's 1945 pack of class numbered 10 (designated in (b) (1) hereof) is hereby established as each such canner's quota of the 1945 pack of such class for sale or delivery to governmental agencies. No canner may sell or deliver, in the aggregate, to governmental agencies, a total quantity, by net weight, of his 1945 pack of the fish of any class (designated in (b) (1) hereof) in excess of a quantity of canned fish equal to the applicable quota percentage of his 1945 pack of such class plus 60,000 pounds, by net

weight, of the canned fish of the 1945 pack of such class.

3. By deleting the provisions in § 1465.20 (b) (4) and inserting, in lieu thereof, the following:

(4) If any canner's 1945 pack of canned fish of any class (designated in (b) (1) hereof), numbered 1 to 9, inclusive, is less than 12,000 pounds, such canner may consider such canned fish as a part of his 1945 pack of canned fish of any other class (designated in (b) (1) hereof), numbered 1 to 9, inclusive.

This order shall become effective at 12:01 a. m., e. w. t., May 20, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under War Food Order No. 44, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 44, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

NOTE: All record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 16th day of May 1945.

ASHLEY SELLERS,
Assistant War Food Administrator.

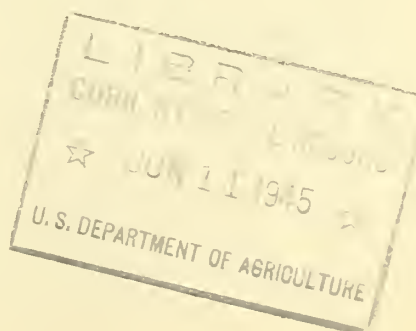
War Food Administration, Summary to WFO-44 Amendment 9.

Canners of fish flakes produced from cod, haddock, hake, pollock and cusk are now required to hold for delivery 100 percent of their current production to the

Government. This action is taken in amendment No. 9 to War Food Order 44, effective May 20, 1945, and applies restrictions to fish flakes for the first time.

Designed to fill increased requirements of the Navy, the effect of the amendment is to add the canned fish of one more

class of fish to the nine other classes already being reserved for the Government. The new amendment applies only to fish flakes produced in Atlantic coast canneries, and does not change the 80 percent requirement for the canned fish of the nine other classes of fish.



WAR FOOD ADMINISTRATION

[WFO 44, Amdt. 10]

PART 1465—FISH AND SHELLFISH

RESTRICTIONS ON 1945 PACK OF CANNED FISH

War Food Order No. 44, as amended (9 F.R. 7361, 9584, 10624; 10 F.R. 103, 555, 3277, 5713), is further amended as follows:

1. By inserting at the end of § 1465.20 (b) (1) the following additional class of fish:

Class 11. Tuna: Albacore, or white-meat (Germo alalunga); Yellowfin, or light-meat (Neothunnus macropterus); Skip jack, or striped (Katsuwonus pelamis, sometimes called Euthynnus pelamis); Bluefin, or leaping (Thunnus thynnus, sometimes called Thunnus saliens);

Yellowtail: (Seriola dorsalis);

Bonito: (Sarda chiliensis).

(For the period July 1, 1945, to March 31, 1946, inclusive)

2. By inserting after § 1465.20 (b) (5) the following additional subparagraph:

(6) Unless otherwise authorized by the Director, no canner may use, in the production of his 1945 pack of class numbered 11 (designated in (b) (1) hereof) a quantity of vegetable oil in excess of the following applicable quantity per case of 48 cans of the size stated:

TUNA—YELLOWTAIL—BONITO

(a) *Solid pack.*

No. ½ tuna can (307 x 113), 4.1 pounds of oil per case.

No. 1 tuna can (401 x 205.5), 5.6 pounds of oil per case.

4-pound tuna can (603 x 408), 7.5 pounds of oil per case.

(b) *Flakes, shredded, or grated.*

No. ½ tuna can (307 x 113), 3.00 pounds of oil per case.

No. 1 tuna can (401 x 205.5), 4.25 pounds of oil per case.

4-pound tuna can (603 x 408), 5.50 pounds of oil per case.

This order shall become effective at 12:01 a. m., P. w. t., July 1, 1945. With respect to violations, rights accrued, lia-

bilities incurred, or appeals taken under War Food Order No. 44, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 44, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

NOTE: All record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 29th day of June 1945.

ASHLEY SELLERS,
Assistant War Food Administrator.

War Food Administration, Summary to WFO-44 Amendment 10.

The quantity of vegetable oil which canners of tuna, bonito and yellowtail may use in each case of 48 cans packed during the coming packing season is limited by amendment No. 10 to War Food Order 44, effective July 1, 1945, the War Food Administration has announced.

Inventories and prospective supplies of vegetable oil are insufficient to provide former usage of vegetable oil throughout the canning season. The new amend-

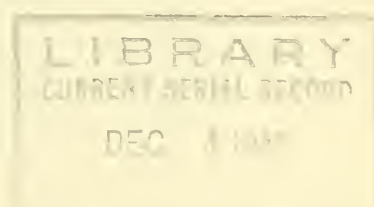
ment is intended to assure supplies for constant production.

War Food Administration specialists have completed an investigation to determine the amounts of oil required in canning these fish, without injuring the quality of the product. The following quotas have been set as a result of the investigation:

	Pounds of oil per case
Solid pack:	
No. ½ tuna can (307 x 113)-----	4.1
No. 1 tuna can (401 x 205.5)-----	5.6
4-pound tuna can (603 x 408)-----	7.5

	Pounds of oil per case
Flakes, shredded or grated:	
No. ½ tuna can (307 x 113)-----	3.00
No. 1 tuna can (401 x 205.5)-----	4.25
4-pound tuna can (603 x 408)-----	5.50

As a result of this amendment, canners of tuna, bonito, and yellowtail will be required to file weekly pack reports with WFA after July 1, 1945. This action does not, however, place the three species under set aside control, and consequently will not decrease the supply available to civilians.



F733 F

WFO 44

AMDT. 11
JULY 26, 1945

DEPARTMENT OF AGRICULTURE

[WFO 44, Amdt. 11]

PART 1465—FISH AND SHELLFISH

RESTRICTIONS ON 1945 PACK OF CANNED FISH

War Food Order No. 44, as amended (9 F.R. 7561, 9584, 10614; 10 F.R. 103, 555, 3277, 5713, 7963), is further amended by deleting from § 1465.20 (b) (1) the provisions contained in class 10 and inserting, in lieu thereof, the following:

Class 10. Cod (*Gadus callarias*) or haddock (*Melanogrammus aeglefinus*) when processed

and canned as the commercial product commonly known and sold under the name of fish flakes. (For the period May 20, 1945, to March 31, 1946, inclusive.)

This order shall become effective at 12:01 a. m., e. w. t., July 27, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under War Food Order No. 44, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 44, as amended, in effect prior to the effective time hereof shall be

deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 26th day of July 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

HAKE, POLLOCK AND CUSK REMOVED FROM SET-ASIDE

(For Trade and Summary)

Washington, July 26, 1945.

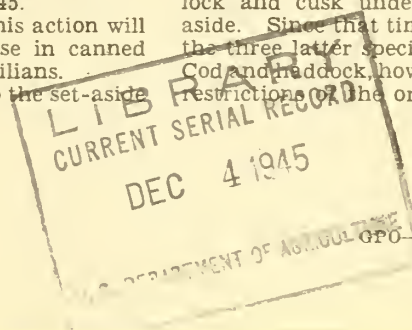
Removal of the 100 percent set-aside restrictions on canned fish flakes produced from hake, pollock and cusk is announced by the United States Depart-

ment of Agriculture. Action is taken in amendment No. 11 to War Food Order 44, effective July 27, 1945.

USDA officials indicate this action will mean only a slight increase in canned flaked fish available to civilians.

A previous amendment to the set-aside

order, effective May 20, placed fish flakes produced from cod, haddock, hake, pollock and cusk under 100 percent set-aside. Since that time requirements for the three latter species have been filled. Cod and haddock, however, remain under restrictions of the order.



[WFO 44, Amdt. 12]

PART 1465—FISH AND SHELLFISH

RESTRICTIONS ON 1945 PACK OF CANNED FISH

War Food Order No. 44, as amended (10 F.R. 3277, 5713, 7963, 9383), is further amended to read as follows:

§ 1465.20 *Restrictions relative to the 1945 pack of canned fish*—(a) *Definitions*. (1) "Canner" means any person who is the first owner of canned fish.

(2) "Can" means (i) to pack fish in the Continental United States or in the Territory of Alaska for commercial purposes in hermetically sealed metal or glass containers, and (ii) to sterilize the fish packed in such containers by the use of heat.

(3) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(4) "1945 pack" means the total net weight of canned fish of each class designated in (b) (1) hereof, for the period indicated therein.

(5) "Director" means the Director of Marketing Services, United States Department of Agriculture.

(6) "Governmental agency" means the United States Department of Agriculture (including, but not being limited to, any corporate agency thereof), and any other agency or instrumentality of the United States designated by the Director.

(b) *Restrictions on canners*. (1) No canner may sell or deliver any canned fish of his 1945 pack except as permitted by the provisions of this order. Unless otherwise specified in the respective class designation, the fish subject to the provisions of this order are, by classes, designated as follows:

Class 1. Salmon: King, chinook, or spring (Oncorhynchus tshawytscha); Red, sockeye, or blueback (Oncorhynchus nerka) packed in the Continental United States. (For the period April 1, 1945, to March 31, 1946, inclusive.)

Class 2. Salmon: Alaska red or sockeye (Oncorhynchus nerka) packed in the Territory of Alaska. (For the period April 1, 1945, to March 31, 1946, inclusive.)

Class 3. Salmon: Silver, silverside, medium red, or coho (Oncorhynchus kisutch); Steelhead (salmo irideus, salmo clarki, salmo gairdneri). (For the period April 1, 1945, to March 31, 1946, inclusive.)

Class 4. Salmon: Pink (Oncorhynchus gorbuscha). (For the period April 1, 1945, to March 31, 1946, inclusive.)

Class 5. Salmon: Chum or keta (Oncorhynchus keta). (For the period April 1, 1945, to March 31, 1946, inclusive.)

Class 6. Pilchard (Sardinia caerulea) by whatever name known, including, but not being limited to, sardines. (For the period April 1, 1945, to March 31, 1946, inclusive.)

Class 7. Atlantic sea herring (Clupea harengus) by whatever name known, including, but not being limited to, sardines. (For the period April 1, 1945, to March 31, 1946, inclusive.)

Class 8. Atlantic mackerel (Scomber scombrus). (For the period April 1, 1945, to March 31, 1946, inclusive.)

Class 9. Pacific mackerel (pneumatophorus japonicus diego) and Pacific horse mackerel (trachurus symmetricus). (For the period April 1, 1945, to March 31, 1946, inclusive.)

Class 10. Cod (Gadus callarias) or haddock (Melanogrammus aeglefinus), when processed and canned as the commercial product commonly known and sold under the name of fish flakes. (For the period May 20, 1945, to March 31, 1946, inclusive.)

Class 11. Tuna: Albacore, or white-meat (Germo alalunga); Yellowfin, or light-meat (Neothunnus macropterus); Skip jack, or striped (Katsuwonus pelamis, sometimes called Euthynnus pelamis); Bluefin, or leaping (Thunnus thynnus, sometimes called Thunnus saliens); Yellowtail: (Seriola dorsalis); Bonito (Sarda chiliensis). (For the period July 1, 1945, to March 31, 1946, inclusive.)

(2) Sixty percent, by net weight, of each canner's 1945 pack of class numbered 1 (designated in (b) (1) hereof) is hereby established as each such canner's quota of the 1945 pack of such class for sale or delivery to governmental agencies.

(3) Eighty percent, by net weight, of each canner's 1945 pack of each class numbered 2 and 3 (designated in (b) (1) hereof) is hereby established as each such canner's respective quotas of the 1945 pack of such classes for sale or delivery to governmental agencies.

(4) Sixty percent, by net weight, of each canner's 1945 pack of each class numbered 4 and 5 (designated in (b) (1) hereof) is hereby established as each such canner's respective quotas of the 1945 pack of such classes for sale or delivery to governmental agencies.

(5) Sixty-five percent, by net weight, of each canner's 1945 pack of each class numbered 6 to 9, inclusive (designated in (b) (1) hereof), is hereby established as each such canner's respective quotas of the 1945 pack of such classes for sale or delivery to governmental agencies.

(6) One hundred percent, by net weight, of each canner's 1945 pack of class numbered 10 (designated in (b) (1) hereof) is hereby established as each such canner's quota for the 1945 pack of such class for sale or delivery to governmental agencies.

(7) No canner may sell or deliver, in the aggregate, to governmental agencies, a total quantity, by net weight, of his 1945 pack of the fish of any class (designated in (b) (1) hereof) in excess of a quantity of canned fish equal to the applicable quota percentage of his 1945 pack of such class plus 60,000 pounds, by net weight, of the canned fish of the 1945 pack of such class.

(8) For each 60 pounds of canned fish of the 1945 pack of class numbered 1 (designated in (b) (1) hereof), which a canner has sold or delivered to any governmental agency or with respect to which he has submitted to any governmental agency a written tender of delivery of such canned fish in compliance with a written contract between such canner and such governmental agency, such canner may sell or deliver 40 pounds

of canned fish of the same class to persons other than a governmental agency: *Provided*, That, prior to the time of each such written tender, such canner has obtained, with respect to the canned fish included in such written tender, an inspection certificate, issued by an inspection service approved by the governmental agency to which the tender has been made, indicating that such canned fish meets all the specifications set forth in such canner's aforesaid written contract for such canned fish.

(9) For each 80 pounds of canned fish of the 1945 pack of classes numbered 2 and 3 (designated in (b) (1) hereof) which a canner has sold or delivered to any governmental agency or with respect to which he has submitted to any governmental agency a written tender of delivery of such canned fish in compliance with a written contract between such canner and such governmental agency, such canner may sell or deliver 20 pounds of canned fish of the same class to persons other than a governmental agency: *Provided*, That, prior to the time of each such written tender, such canner has obtained, with respect to the canned fish included in such written tender, an inspection certificate, issued by an inspection service approved by the governmental agency to which the tender has been made, indicating that such canned fish meets all the specifications set forth in such canner's aforesaid written contract for such canned fish.

(10) For each 60 pounds of canned fish of the 1945 pack of classes numbered 4 and 5 (designated in (b) (1) hereof) which a canner has sold or delivered to any governmental agency or with respect to which he has submitted to any governmental agency a written tender of delivery of such canned fish in compliance with a written contract between such canner and such governmental agency, such canner may sell or deliver 40 pounds of canned fish of the same class to persons other than a governmental agency: *Provided*, That, prior to the time of each such written tender, such canner has obtained, with respect to the canned fish included in such written tender, an inspection certificate, issued by an inspection service approved by the governmental agency to which the tender has been made, indicating that such canned fish meets all the specifications set forth in such canner's aforesaid written contract for such canned fish.

(11) For each 65 pounds of canned fish of the 1945 pack of any class numbered 6 to 9, inclusive (designated in (b) (1) hereof) which a canner has sold or delivered to any governmental agency or with respect to which he has submitted to any governmental agency a written tender of delivery of such canned fish in compliance with a written contract between such canner and such governmental agency, such canner may sell or deliver 35 pounds of canned fish of the same class to persons other than a gov-

ernmental agency: *Provided*, That, prior to the time of each such written tender, such canner has obtained, with respect to the canned fish included in such written tender, an inspection certificate, issued by an inspection service approved by the governmental agency to which the tender has been made, indicating that such canned fish meets all the specifications set forth in such canner's aforesaid written contract for such canned fish.

(12) If any canner's 1945 pack of canned fish of any class (designated in (b) (1) hereof) is less than 12,000 pounds, such canner may consider such canned fish as a part of his 1945 pack of canned fish of any other class (designated in (b) (1) hereof).

(13) Unless otherwise authorized by the Director, no canner may use, in the production of his 1945 pack of class numbered 11 (designated in (b) (1) hereof) a quantity of vegetable oil in excess of the following applicable quantity per case of 48 cans of the size stated:

TUNA—YELLOWTAIL—BONITO

(a) Solid pack.

No. ½ tuna can (307 x 113), 4.1 pounds of oil per case.

No. 1 tuna can (401 x 205.5), 5.6 pounds of oil per case.

Four-pound tuna can (603 x 408), 7.5 pounds of oil per case.

(b) Flakes, shredded, or grated.

No. ½ tuna can (307 x 113), 3.00 pounds of oil per case.

No. 1 tuna can (401 x 205.5), 4.25 pounds of oil per case.

Four-pound tuna can (603 x 408), 5.50 pounds of oil per case.

(14) The Director may issue specifications at any time relative to the packing of the canned fish, the containers, container treatment, can marking, labeling, boxing, and strapping in connection therewith, or he may authorize any governmental agency to issue such specifications. Each person subject to the provisions of this order shall comply with such specifications, issued by the Director or the governmental agency authorized by the Director to issue such specifications, applicable to the canned fish processed by such person.

(c) *Inspection and grading.* All canned fish subject to the provisions of this order shall be subject to inspection and grading at any time by the Director or any governmental agency authorized by the Director to make such inspection and grading.

(d) *Contracts.* The restrictions of this order shall be observed without regard to contracts heretofore or hereafter entered into, or any rights accrued or payments made thereunder. This order shall not, however, be construed as reducing the amount of canned fish of the 1945 pack which any person is required to offer or deliver pursuant to contracts heretofore or hereafter entered into with any governmental agency.

(e) *Records and reports.* (1) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(2) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in canned fish.

(f) *Audits and inspection.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of canned fish of any person, and to make such investigations, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

(g) *Applicability of order.* Any person doing business in one or more of the 48 States, the District of Columbia, or the Territory of Alaska, is subject to the provisions hereof, but the provisions hereof shall not apply to any person doing business in any other Territory or Possession of the United States with respect to such business.

(h) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using canned fish. In addition, any person who willfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(i) *Delegation of authority.* The administration of this order and the powers vested in the Secretary of Agriculture,

insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order; and one such employee shall be designated by the Director to serve as order administrator, and such other employees as may be necessary shall be designated to serve as deputy order administrators.

(j) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(k) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise provided herein or in instructions issued by the Director, be addressed to the Director of Marketing Services, United States Department of Agriculture, Washington 25, D. C. Ref. WFO-44.

(l) *Effective date.* The provisions of this order shall become effective at 12:01 a. m., e. w. t., August 14, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under War Food Order No. 44, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 44, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

NOTE: All record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 13th day of August 1945.

[SEAL]

CLINTON P. ANDERSON,
Secretary of Agriculture.

**U. S. Department of Agriculture.
Summary to WFO-44 Amendment 12.**

U. S. civilians will get about 281 million pounds of canned fish out of the 1945 estimated United States pack in comparison to a previously determined allocation for civilians of 192 million pounds, an increase of 89 million pounds, Secretary of Agriculture, Clinton P. Anderson stated today. Reduction in the amount of canned fish to be made available for lend-lease, and a revision in estimated requirements for military use have made it possible to reduce Govern-

ment set aside percentages of the 1945 pack of several major types of canned fish.

Action taken in amendment No. 12 to WFO 44, effective August 14, reduces from 80 percent to 60 percent the set aside on packs of king, chinook, or spring salmon, on blueback or sockeye salmon produced in the Continental United States, and on pink and chum salmon. Set asides of pilchards, Atlantic sea herring (including Maine sardines) and Atlantic and Pacific mackerel are reduced from 80 to 65 percent.

The amendment also specifies that salmon canners must continue to set aside 80 percent of their 1945 pack of coho silver or medium red, steelhead, and Alaska red salmon. Canners of fish flakes produced from cod and haddock are required to continue delivery of their entire pack to the U. S. Navy.

Reduced percentages apply to the entire 1945 pack produced during the period April 1, 1945 to March 31, 1946.

Reductions for salmon are based on an estimated total pack of all grades of 5,-200,000 cases for Alaska and 400,000 cases for the Continental United States.

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WFO 44

AMDT. 13
AUG. 24, 1945

DEPARTMENT OF AGRICULTURE

[WFO 44. Amdt. 13]

PART 1465—FISH AND SHELLFISH

RESTRICTIONS ON 1945 PACK OF CANNED FISH

War Food Order No. 44, as amended (10 F.R. 10071), is further amended by deleting from § 1465.20 (b) (1) the provisions contained in *Class 1* and inserting, in lieu thereof, the following:

Class 1. Salmon: King, Chinook, or spring (Oncorhynchus tshawytscha); Red, sockeye, or blueback (Oncorhynchus nerka) packed in the Continental United States. (For the

period April 1, 1945, to July 28, 1945, inclusive.)

This order shall become effective at 12:01 a. m., p. w. t., August 25, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under War Food Order No. 44, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 44, as amended, in effect prior to the effective time hereof shall be deemed to continue in

full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 24th day of August 1945.

[SEAL]

CLINTON P. ANDERSON,
Secretary of Agriculture.

U. S. Department of Agriculture
Summary to WFO 44, Amendment 13

MORE CANNED SALMON FOR CIVILIANS

Approximately 7½ million additional pounds of canned salmon will be made available to civilians from the 1945 U. S. pack, Secretary of Agriculture Clinton P. Anderson announced today. This is in

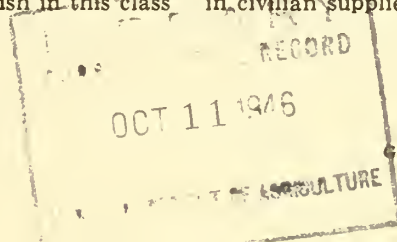
addition to the 89 million pounds of canned fish recently made available for civilian consumption.

Amendment No. 13 to WFO 44, effective August 25, 1945 makes the 60 percent set aside on all king, chinook or spring salmon, and on the blueback, sockeye or red salmon packed in Continental United States, applicable to all fish in this class

packed during the period April 1, 1945 to July 28, 1945, inclusive.

The salmon made available through this amendment is packed mostly in half pound cans and will be released to civilians almost immediately.

Decreased governmental requirements for salmon is responsible for the increase in civilian supplies.



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DEPARTMENT OF AGRICULTURE

[WFO 44, Amdt. 14]

PART 1465—FISH AND SHELLFISH

RESTRICTIONS ON 1945 PACK OF CANNED FISH

War Food Order No. 44, as amended (10 F.R. 10071, 10419, 10963), is further amended as follows:

1. By deleting the first sentence in § 1465.20 (b) (1) and inserting, in lieu thereof, the following: "No canner may sell or deliver any canned fish of his 1945 pack of any of the classes numbered 1 to 10, inclusive (designated herein), except as permitted by the provisions of this order."

2. By deleting the provisions in (b) (3), (4), and (5) of § 1465.20 and inserting, in lieu thereof, the following:

(3) Forty percent, by net weight, of each canner's 1945 pack of each class numbered 2 to 5, inclusive (designated in (b) (1) hereof), is hereby established as each such canner's respective quotas of the 1945 pack of such classes for sale or delivery to governmental agencies.

(4) Sixty-five percent, by net weight, of each canner's 1945 pack of each class numbered 7 and 8 (designated in (b) (1) hereof) is hereby established as each such canner's respective quotas of the 1945 pack of such classes for sale or delivery to governmental agencies.

(5) Sixty-five percent, by net weight, of each canner's 1945 pack of each class numbered 9 and 10 (designated in (b) (1) hereof) is hereby established as each such canner's respective quotas of the 1945 pack of such classes for sale or delivery to governmental agencies.

3. By deleting the provisions in (b) (9), (10), and (11) of § 1465.20 and inserting, in lieu thereof, the following:

(9) For each 40 pounds of canned fish of the 1945 pack of each class numbered 2 to 5, inclusive (designated in (b) (1)

hereof), which a canner has sold or delivered to any governmental agency or with respect to which he has submitted to any governmental agency a written tender of delivery of such canned fish in compliance with a written contract between such canner and such governmental agency, such canner may sell or deliver 60 pounds of canned fish of the same class to persons other than a governmental agency: *Provided*, That, prior to the time of each such written tender, such canner has obtained, with respect to the canned fish included in such written tender, an inspection certificate, issued by an inspection service approved by the governmental agency to which the tender has been made, indicating that such canned fish meets all the specifications set forth in such canner's aforesaid written contract for such canned fish.

(10) For each 65 pounds of canned fish of the 1945 pack of classes numbered 7 and 8 (designated in (b) (1) hereof) which a canner has sold or delivered to any governmental agency or with respect to which he has submitted to any governmental agency a written tender of delivery of such canned fish in compliance with a written contract between such canner and such governmental agency, such canner may sell or deliver 35 pounds of canned fish of the same class to persons other than a governmental agency: *Provided*, That, prior to the time of each such written tender, such canner has obtained, with respect to the canned fish included in such written tender, an inspection certificate, issued by an inspection service approved by the governmental agency to which the tender has been made, indicating that such canned fish meets all the specifications set forth in such canner's aforesaid written contract for such canned fish.

(11) For each 65 pounds of canned fish of the 1945 pack of classes numbered 6 and 9 (designated in (b) (1) hereof) which a canner has sold or delivered to any governmental agency or with respect to which he has submitted to any governmental agency a written tender of delivery of such canned fish in compliance with a written contract between such canner and such governmental agency, such canner may sell or deliver 35 pounds of canned fish of the same class to persons other than a governmental agency: *Provided*, That, prior to the time of each such written tender, such canner has obtained, with respect to the canned fish included in such written tender, an inspection certificate, issued by an inspection service approved by the governmental agency to which the tender has been made, indicating that such canned fish meets all the specifications set forth in such canner's aforesaid written contract for such canned fish.

This order shall become effective at 12:01 a. m., p. w. t., September 1, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under War Food Order No. 44, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 44, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

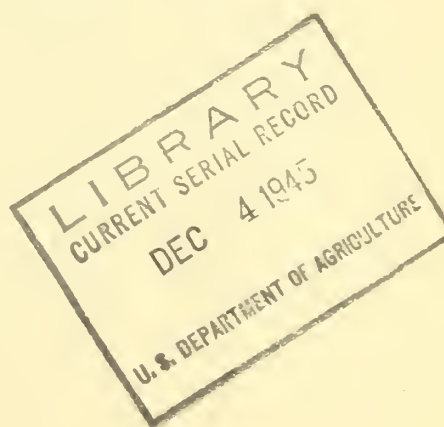
(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 31st day of August 1945.

[SEAL]

J. B. HUTSON,

Acting Secretary of Agriculture.



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[WFO 44, Amdt. 15]

PART 1465—FISH AND SHELLFISH

RESTRICTIONS ON 1945 PACK OF CANNED FISH

War Food Order No. 44, as amended (10 F.R. 10071, 10419, 10963, 11341), is further amended as follows:

1. By deleting from § 1465.20 (b) (1) the provisions contained in Class 8 and in Class 10 and inserting, in lieu thereof the following:

Class 8. Atlantic mackerel (*Scomber scombrus*). (For the period April 1, 1945, to September 29, 1945, inclusive.)

Class 10. Cod (*Gadus callarias*) or had-dock (*Melanogrammus aeglefinus*) when processed and canned as the commercial product commonly known and sold under the name of fish flakes. (For the period May 20, 1945, to September 29, 1945, inclusive.)

2. By deleting the provisions in (b) (3), (4), and (5) of § 1465.20 and inserting, in lieu thereof, the following:

(3) Thirty percent, by net weight, of each canner's total 1945 pack of the classes numbered 2, 3, 4, and 5 (designated in (b) (1) hereof) is hereby established as each such canner's quota of the 1945 pack of such classes for sale or delivery to governmental agencies.

(4) The following are hereby established as each canner's respective quotas of his 1945 packs of classes numbered 7 and 8 (designated in (b) (1) hereof) for sale or delivery to governmental agencies:

(i) Sixty-five percent, by net weight, of the portion of each canner's 1945 pack of class numbered 7 (designated in (b) (1) hereof), produced during the period April 1, 1945, to September 29, 1945, both dates inclusive;

(ii) Thirty percent, by net weight, of the remainder of each canner's 1945 pack of such class; and

(iii) Sixty-five percent, by net weight, of each canner's 1945 pack of class numbered 8 (designated in (b) (1) hereof).

(5) Forty-five percent, by net weight, of each canner's 1945 pack of each class numbered 6 and 9 (designated in (b) (1) hereof) is hereby established as each such canner's respective quotas of the 1945 pack of each such class for sale or delivery to governmental agencies.

3. By deleting the provisions in (b) (7) of § 1465.20 and inserting, in lieu thereof, the following:

(7) No canner may sell or deliver hereunder, in the aggregate, to governmental agencies, a total quantity, by net weight, of his 1945 pack of the fish of any class numbered 1 to 10, inclusive (designated in (b) (1) hereof), in excess of a quantity of canned fish equal

to the applicable quota percentage of his 1945 pack of such class.

4. By deleting the provisions in (b) (9), (10), and (11) of § 1465.20 and inserting, in lieu thereof, the following:

(9) For each 30 pounds of canned fish of the total 1945 pack of the classes numbered 2, 3, 4, and 5 (designated in (b) (1) hereof) which a canner has sold or delivered to any governmental agency or with respect to which he has submitted to any governmental agency a written tender of delivery of such canned fish in compliance with a written contract between such canner and such governmental agency, such canner may sell or deliver 70 pounds of canned fish of the same classes to persons other than a governmental agency: *Provided*, That, prior to the time of each such written tender, such canner has obtained, with respect to the canned fish included in such written tender, an inspection certificate, issued by an inspection service approved by the governmental agency to which the tender has been made, indicating that such canned fish meets all the specifications set forth in such canner's aforesaid written contract for such canned fish.

(10) For each 65 pounds of canned fish of the 1945 pack of class numbered 7 (designated in (b) (1) hereof), produced during the period April 1, 1945, to September 29, 1945, both dates inclusive, which a canner has sold or delivered to any governmental agency or with respect to which he has submitted to a governmental agency a written tender of delivery of such canned fish in compliance with a written contract between such canner and such governmental agency, such canner may sell or deliver 35 pounds of canned fish of the same class, produced as aforesaid, to persons other than a governmental agency; and for each 30 pounds of the remainder of each canner's 1945 pack of such class which a canner has sold or delivered to any governmental agency or with respect to which he has submitted to any governmental agency a written tender of delivery of such canned fish in compliance with a written contract between such canner and such governmental agency, such canner may sell or deliver 70 pounds of such remainder of the canned fish of the same class, produced as aforesaid, to persons other than a governmental agency. For each 65 pounds of canned fish of the 1945 pack of class numbered 8 (designated in (b) (1) hereof) which a canner has sold or delivered to any governmental agency or with respect to which he has submitted to a governmental agency a written

tender of delivery of such canned fish in compliance with a written contract between such canner and such governmental agency, such canner may sell or deliver 35 pounds of canned fish of the same class to persons other than a governmental agency: *Provided*, That, prior to the time of each such written tender of canned fish of the 1945 pack of classes numbered 7 or 8, designated as aforesaid, such canner had obtained, with respect to the canned fish included in such written tender, an inspection certificate, issued by an inspection service approved by the governmental agency to which the tender has been made, indicating that such canned fish meets all the specifications set forth in such canner's aforesaid written contract for such canned fish.

(11) For each 45 pounds of canned fish of the 1945 pack of any class numbered 6 or 9 (designated in (b) (1) hereof), which a canner has sold or delivered to any governmental agency or with respect to which he has submitted to any governmental agency a written tender of delivery of such canned fish in compliance with a written contract between such canner and such governmental agency, such canner may sell or deliver 55 pounds of canned fish of the same class to persons other than a governmental agency: *Provided*, That, prior to the time of each such written tender, such canner has obtained, with respect to the canned fish included in such written tender, an inspection certificate, issued by an inspection service approved by the governmental agency to which the tender has been made, indicating that such canned fish meets all the specifications set forth in such canner's aforesaid written contract for such canned fish.

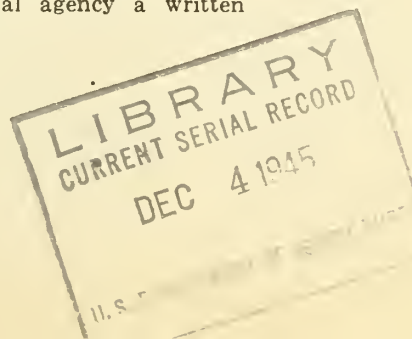
This order shall become effective at 12:01 a. m., p. s. t., October 9, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under War Food Order No. 44, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 44, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 9th day of October 1945.

[SEAL]

CLINTON P. ANDERSON,
Secretary of Agriculture.



U. S. Department of Agriculture,
Summary to WFO 44 Amendment 15

As a result of substantially reduced military requirements, U. S. civilians will receive more canned fish from the 1945 pack than they have received at any time since 1942 while at the same time increased supplies are being made available for relief, Secretary of Agriculture Clinton P. Anderson announced today. This is made possible by action taken in amendment No. 15 to War Food Order 44, effective October 9, 1945.

The amendment reduces set-aside percentages for canned red, coho, steelhead, pink and chum salmon from 40 percent of each class of fish to 30 percent of the entire 1945 pack of all such classes. It also reduces set-aside percentages for Atlantic sea herring and Maine sardines

to 30 percent of the fish packed during the period September 30, 1945 to March 31, 1946. The 1945 pack of fish in this class, canned from April 1 until September 29, 1945, is still subject to a 65 percent set-aside.

Also, the amendment makes the 65 percent set-aside on canned Atlantic mackerel applicable only to fish packed during the period April 1, 1945 to September 29, 1945, inclusive. None of the canned Atlantic mackerel packed after September 29 is now reserved for Government procurement.

Set-aside percentages for canned pilchards and Pacific mackerel are reduced from 65 to 45 percent of the entire 1945 pack. The 100 percent set-aside for flaked fish produced from cod and had-dock applies only to fish flakes produced

during the period May 20, 1945, to September 29, 1945. None of this flaked fish packed after September 29 is now reserved for delivery to the Government.

This action also withdraws the privilege, previously allowed each canner, of delivering up to 60,000 pounds more than his required set-aside for each class.

Approximately 423 million pounds of canned fish were made available to civilians from the 1942 pack, and it is estimated civilians will get close to 400 million pounds from the 1945 pack. Civilian supply of canned fish last year was about 308 millions pounds, and when the original allocation of the 1945 pack of canned fish was made in April, it was estimated that civilians would receive about 200 million pounds.

DEPARTMENT OF AGRICULTURE

(WFO 44, Amdt. 17)

PART 1465—FISH AND SHELLFISH

RESTRICTIONS ON 1945 PACK OF CANNED FISH

War Food Order No. 44, as amended (10 F.R. 10071, 10419, 10963, 11341, 12897, 14417), is further amended as follows:

1. By deleting from § 1465.20 (b) (1) the provisions contained in Class 9 and inserting, in lieu thereof, the following:

Class 9. Pacific mackerel (pneumatophorus japonicus diego) and Pacific horse mackerel (trachurus symmetricus). (For the period April 1, 1945, to November 17, 1945, inclusive.)

2. By deleting the provisions in (b) (5) of § 1465.20 and inserting, in lieu thereof, the following:

(5) The following are hereby established as each canner's respective quotas of his 1945 packs of classes numbered 6 and 9 (designated in (b) (1) hereof) for sale or delivery to governmental agencies:

(i) Thirty percent, by net weight, of each canner's 1945 pack of class numbered 6 (designated in (b) (1) hereof) is hereby established as each such canner's quota of the 1945 pack of such class for sale or delivery to governmental agencies; and

(ii) Forty-five percent, by net weight,

of each canner's 1945 pack of class numbered 9 (designated in (b) (1) hereof) is hereby established as each such canner's quota of the 1945 pack of such class for sale or delivery to governmental agencies.

3. By deleting the provisions in (b) (11) of § 1465.20 and inserting, in lieu thereof, the following:

(11) For each 30 pounds of canned fish of the 1945 pack of class numbered 6 (designated in (b) (1) hereof) which a canner has sold or delivered to any governmental agency or with respect to which he has submitted to any governmental agency a written tender of delivery of such canned fish in compliance with a written contract between such canner and such governmental agency, such canner may sell or deliver 70 pounds of canned fish of the same class to persons other than a governmental agency. For each 45 pounds of canned fish of the 1945 pack of class numbered 9 (designated in (b) (1) hereof) which a canner has sold or delivered to any governmental agency or with respect to which he has submitted to any governmental agency a written tender of delivery of such canned fish in compliance with a written contract between such canner and such governmental agency, such canner may sell or deliver 55 pounds of canned fish of the same class to persons other than a governmental agency: *Provided, That,*

prior to the time of each such written tender of canned fish of the 1945 pack of classes numbered 6 or 9, such canner has obtained, with respect to the canned fish included in such written tender, an inspection certificate, issued by an inspection service approved by the governmental agency to which the tender has been made, indicating that such canned fish meets all the specifications set forth in such canner's aforesaid written contract for such canned fish.

This order shall become effective at 12:01 a. m., p. s. t., December 6, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under War Food Order No. 44, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 44, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 5th day of December 1945.

[SEAL]

CLINTON P. ANDERSON,
Secretary of Agriculture.

U. S. Department of Agriculture Summary to WFO-44 Amendment 17

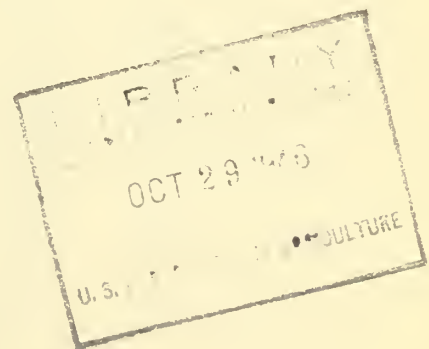
The U. S. Department of Agriculture today announced that canners of Pacific mackerel will not be required to reserve for governmental use any part of their packs processed after November 17, 1945. At the same time the Department reduced the set aside of pilchards for the period April 1, 1945 to March 31, 1946 from 45 to 30 percent of the entire pack.

Both actions were taken in amendment No. 17 to War Food Order 44. Under the provisions of the order, as amended, the USDA reserves 45 percent of the pack of Pacific mackerel for the period April 1, 1945 to November 17, 1945, but requires no set aside after November 17, 1945.

As a result of the amendment, an additional 27 million pounds of canned pilchards will be available to civilians out

of the current pack. This will raise the U. S. civilian share of canned pilchards to an estimated 126 million pounds, as compared to 67 million pounds from last year's pack.

Despite the fact that the estimated 1945 Pacific mackerel pack is expected to be less than half of last year's pack, civilians will now get 15 million pounds as compared to 19 million pounds from the 1944 pack.



[WFO 44, Amdt. 18]

PART 1465—FISH AND SHELLFISH

RESTRICTIONS ON 1946 PACK OF CANNED FISH

War Food Order No. 44, as amended (10 F.R. 10071, 10419, 10963, 11341, 12897, 14417, 14861), is further amended to read as follows:

§ 1465.20 *Restrictions relative to the 1946 pack of canned fish*—(a) *Definitions*. (1) "Canner" means any person who is the first owner of canned fish.

(2) "Can" means (i) to pack fish in the Continental United States or in the Territory of Alaska for commercial purposes in hermetically sealed or glass containers, and (ii) to sterilize the fish packed in such containers by the use of heat.

(3) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(4) "1946 pack" means the total net weight of canned fish of each class designated in (b) (1) hereof, for the period indicated therein.

(5) "Assistant Administrator" means the Assistant Administrator for Regulatory and Marketing Service matters, Production and Marketing Administration of the United States Department of Agriculture.

(6) "Governmental agency" means the United States Department of Agriculture (including, but not being limited to, any corporate agency thereof), and any other agency or instrumentality of the United States designated by the Assistant Administrator.

(7) "1946 packing season" means the period (i) beginning with April 1, 1946, or any subsequent date on which a canner commences to produce any canned fish of the 1946 pack, and (ii) ending with March 31, 1947, or the date on which such canner ceases to produce any canned fish of the 1946 pack, whichever date is the earlier.

(b) *Restrictions on canners*. (1) No canner may sell or deliver any canned fish of his 1946 pack of the classes numbered 1 to 4, inclusive, and 6 to 9, inclusive (designated in (b) (1) hereof), except as permitted by the provisions of this order. Unless otherwise specified in the respective class designation, the fish subject to the provisions of this order are, by classes, designated as follows:

Class 1. Salmon: Alaska red or sockeye (Oncorhynchus nerka) packed in the Territory of Alaska. (For the period April 1, 1946, to March 31, 1947, inclusive.)

Class 2. Salmon: Silver, silverside, medium red, or coho (Oncorhynchus kisutch). (For the period April 1, 1946, to March 31, 1947, inclusive.)

Class 3. Salmon: Pink (Oncorhynchus gorbuscha). (For the period April 1, 1946, to March 31, 1947, inclusive.)

Class 4. Salmon: Chum or keta (Oncorhynchus keta). (For the period April 1, 1946, to March 31, 1947, inclusive.)

Class 5. Salmon: King, chinook, or spring (Oncorhynchus tshawytscha); Red, sockeye,

or blueback (Oncorhynchus nerka) packed in the Continental United States; Steelhead (salmo irideus, salmo clarki, salmo gairdneri). (For the period April 1, 1946, to March 31, 1947, inclusive.)

Class 6. Pilchard (Sardinia caerulea) by whatever name known, including, but not being limited to, sardines. (For the period April 1, 1946, to March 31, 1947, inclusive.)

Class 7. Atlantic sea herring (Clupea harengus) by whatever name known, including, but not being limited to, sardines. (For the period April 1, 1946, to March 31, 1947, inclusive.)

Class 8. Atlantic mackerel (Scomber scombrus). (For the period April 1, 1946, to March 31, 1947, inclusive.)

Class 9. Pacific mackerel (pneumatophorus japonicus diego) and Pacific horse mackerel (trachurus symmetricus). (For the period April 1, 1946, to March 31, 1947, inclusive.)

Class 10. Tuna: Albacore, or white-meat (Germo alalunga); Yellowfin, or light-meat (Neothunnus macropterus); Skip jack, or striped (Katsuwonus pelamis, sometimes called Euthynnus pelamis); Bluefin, or leaping (Thunnus thynnus, sometimes called Thunnus saliens); Yellowtail: (Seriola dorsalis); Bonito (Sarda chilensis). (For the period April 1, 1946, to March 31, 1947, inclusive.)

(2) Thirty-three percent, by net weight, of each canner's 1946 pack of classes numbered 1 to 4, inclusive (designated in (b) (1) hereof) is hereby established as each such canner's quotas of the 1946 pack of such classes for sale or delivery to governmental agencies.

(3) Forty-five percent, by net weight, of each canner's 1946 pack of class numbered 6 (designated in (b) (1) hereof) is hereby established as each such canner's respective quota of the 1946 pack of such class for sale or delivery to governmental agencies.

(4) Forty-five percent, by net weight, of each canner's 1946 pack of class numbered 7 (designated in (b) (1) hereof) is hereby established as each such canner's respective quota of the 1946 pack of such class for sale or delivery to governmental agencies.

(5) Forty-five percent, by net weight, of each canner's 1946 pack of class numbered 8 (designated in (b) (1) hereof) is hereby established as each such canner's respective quota of the 1946 pack of such class for sale or delivery to governmental agencies.

(6) Forty-five percent, by net weight of each canner's 1946 pack of class numbered 9 (designated in (b) (1) hereof) is hereby established as each such canner's quota for the 1946 pack of such class for sale or delivery to governmental agencies.

(7) No canner may sell or deliver, in the aggregate, to governmental agencies, a total quantity, by net weight, of his 1946 pack of the fish of any class numbered 1 to 9, inclusive (designated in (b) (1) hereof) in excess of a quantity of canned fish equal to the applicable quota percentage of his 1946 pack of such class plus 30,000 pounds, by net weight, of the canned fish of the 1946 pack of such class.

(8) For each 33 pounds of canned fish of the 1946 pack of classes numbered 1

to 4, inclusive (designated in (b) (1) hereof), which a canner has sold or delivered to any governmental agency or with respect to which he has submitted to any governmental agency a written tender of delivery of such canned fish in compliance with a written contract between such canner and such governmental agency, such canner may sell or deliver 67 pounds of canned fish of the same class to persons other than a governmental agency: *Provided, That*, prior to the time of each such written tender, such canner has obtained, with respect to the canned fish included in such written tender, an inspection certificate, issued by an inspection service approved by the governmental agency to which the tender has been made, indicating that such canned fish meets all the specifications set forth in such canner's aforesaid written contract for such canned fish.

(9) For each 45 pounds of canned fish of the 1946 pack of class numbered 6 (designated in (b) (1) hereof) which a canner has sold or delivered to any governmental agency or with respect to which he has submitted to any governmental agency a written tender of delivery of such canned fish in compliance with a written contract between such canner and such governmental agency, such canner may sell or deliver 55 pounds of canned fish of the same class to persons other than a governmental agency: *Provided, That*, prior to the time of each such written tender, such canner has obtained, with respect to the canned fish included in such written tender, an inspection certificate, issued by an inspection service approved by the governmental agency to which the tender has been made, indicating that such canned fish meets all the specifications set forth in such canner's aforesaid written contract for such canned fish.

(10) For each 45 pounds of canned fish of the 1946 pack of class numbered 7 (designated in (b) (1) hereof) which a canner has sold or delivered to any governmental agency or with respect to which he has submitted to any governmental agency a written tender of delivery of such canned fish in compliance with a written contract between such canner and such governmental agency, such canner may sell or deliver 53 pounds of canned fish of the same class to persons other than a governmental agency: *Provided, That*, prior to the time of each such written tender, such canner has obtained, with respect to the canned fish included in such written tender, an inspection certificate, issued by an inspection service approved by the governmental agency to which the tender has been made, indicating that such canned fish meets all the specifications set forth in such canner's aforesaid written contract for such canned fish.

(11) For each 45 pounds of canned fish of the 1946 pack of class numbered 8 (designated in (b) (1) hereof) which a canner has sold or delivered to any governmental agency or with respect to

which he has submitted to any governmental agency a written tender of delivery of such canned fish in compliance with a written contract between such canner and such governmental agency, such canner may sell or deliver 55 pounds of canned fish of the same class to persons other than a governmental agency: *Provided*, That, prior to the time of each such written tender, such canner has obtained, with respect to the canned fish included in such written tender, an inspection certificate, issued by an inspection service approved by the governmental agency to which the tender has been made, indicating that such canned fish meets all the specifications set forth in such canner's aforesaid written contract for such canned fish.

(12) For each 45 pounds of canned fish of the 1946 pack of class numbered 9 (designated in (b) (1) hereof) which a canner has sold or delivered to any governmental agency or with respect to which he has submitted to any governmental agency a written tender of delivery of such canned fish in compliance with a written contract between such canner and such governmental agency, such canner may sell or deliver 55 pounds of canned fish of the same class to persons other than a governmental agency: *Provided*, That, prior to the time of each such written tender, such canner has obtained, with respect to the canned fish included in such written tender, an inspection certificate, issued by an inspection service approved by the governmental agency to which the tender has been made, indicating that such canned fish meets all the specifications set forth in such canner's aforesaid written contract for such canned fish.

(13) If any canner's 1946 pack of canned fish of any class numbered 1 to 9, inclusive (designated in (b) (1) hereof) is less than 12,000 pounds, such canner may consider such canned fish as a part of his 1946 pack of the canned fish of any other class numbered 1 to 9, inclusive (designated in (b) (1) hereof).

(14) If any canner sells or delivers, to any person other than a governmental agency and for civilian use in the Philippine Islands, any canned fish of his 1946 pack of the class numbered 6 (designated in (b) (1) hereof), such canner may consider such canned fish as having been sold or delivered to a governmental agency pursuant to the provisions hereof.

(15) Unless otherwise authorized by the Assistant Administrator, no canner may use, in the production of his 1946 pack of class numbered 10 (designated in (b) (1) hereof) a quantity of vegetable oil in excess of the following applicable quantity per case of 48 cans of the size stated:

TUNA—YELLOWTAIL—BONITO

(a) Solid pack

No. ½ tuna can (307 x 113), 4.1 pounds of oil per case.

No. 1 tuna can (401 x 205.5), 5.6 pounds of oil per case.

Four-pound tuna can (603 x 408), 7.5 pounds of oil per case.

(b) Flakes, shredded, or grated

No. ½ tuna can (307 x 113), 3.00 pounds of oil per case.

No. 1 tuna can (401 x 205.5), 4.25 pounds of oil per case.

Four-pound tuna can (603 x 408), 5.50 pounds of oil per case.

(16) The Assistant Administrator may issue specifications at any time relative to the packing of the canned fish, the containers, container treatment, can marking, labeling, boxing, and strapping in connection therewith, or he may authorize any governmental agency to issue such specifications. Each person subject to the provisions of this order shall comply with such specifications, issued by the Assistant Administrator or the governmental agency authorized by the Assistant Administrator to issue such specifications, applicable to the canned fish processed by such person.

(c) *Inspection and grading.* All canned fish subject to the provisions of this order shall be subject to inspection and grading at any time by the Assistant Administrator or any governmental agency authorized by the Assistant Administrator to make such inspection and grading.

(d) *Contracts.* The restrictions of this order shall be observed without regard to contracts heretofore or hereafter entered into, or any rights accrued or payments made thereunder. This order shall not, however, be construed as reducing the amount of canned fish of the 1946 pack which any person is required to offer or deliver pursuant to contracts heretofore or hereafter entered into with any governmental agency.

(e) *Records and reports.* (1) The Assistant Administrator shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in the Assistant Administrator's discretion, to the enforcement or administration of the provision of this order, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(2) Every person subject to this order shall, for at least two years (or for such period of time as the Assistant Administrator may designate), maintain an accurate record of his transactions in canned fish.

(3) *Weekly reports.* Each canner who produces any canned fish of the 1946 pack shall report on Form FDO-44-1 (Revised April 2, 1946), entitled "Canned Fish: Pack Report," the total quantity of canned fish of the 1946 pack produced by such canner from each class of fish (designated in (b) (1) hereof) during each calendar week of such canner's 1946 packing season. Each such report shall be submitted for each calendar week during the respective canner's 1946 packing season regardless of whether or not such canner produced any canned fish of the 1946 pack during a particular calendar week. Each report for a calendar week or a part thereof subsequent to April 1, 1946, shall be submitted as aforesaid within four days after the last day of each such calendar week or part thereof.

(4) *Seasonal reports.* In addition to

the weekly reports required to be submitted pursuant to (e) (3) hereof, each canner, as aforesaid, shall report on Form FDO-44-1 (Revised April 2, 1946) the total quantity of canned fish of his 1946 pack of each class of fish (designated in (b) (1) hereof) produced by such canner during his 1946 packing season and shall submit such report within 15 days after the last day of such canner's 1946 packing season.

(5) *Completion of reports.* The respective reports submitted pursuant to (e) (3) and (4) hereof shall be completed in accordance with the instructions contained on the aforesaid Form FDO-44-1 (Revised April 2, 1946).

(f) *Audits and inspection.* The Assistant Administrator shall be entitled to make such audits or inspections of the books, records and other writings, premises, or stocks of canned fish of any person, and to make such investigations, as may be necessary or appropriate, in the Assistant Administrator's discretion, to the enforcement or administration of the provisions of this order.

(g) *Applicability of order.* Any person doing business in one or more of the 48 States, the District of Columbia, or the Territory of Alaska, is subject to the provisions hereof, but the provisions hereof shall not apply to any person doing business in any other territory or possession of the United States with respect to such business.

(h) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using canned fish. In addition, any person who willfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(i) *Delegation of authority.* The administration of this order and the powers vested in the Secretary of Agriculture, insofar as such powers relate to the administration of this order, are hereby delegated to the Assistant Administrator. The Assistant Administrator is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order; and one such employee shall be designated by the Assistant Administrator to serve as order administrator, and such other employees as may be necessary shall be designated to serve as deputy order administrators.

(j) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may apply in writing for relief to the Assistant Administrator, setting forth in such petition all pertinent facts and the nature of the relief sought. The Assistant Administrator may take any action with reference to such petition as he deems appropriate, which action shall be final.

(k) *Communications.* All reports required to be filed hereunder and all com-

munications concerning this order shall, unless otherwise provided herein or in instructions issued by the Assistant Administrator, be addressed to the Assistant Administrator for Regulatory and Marketing Service Work, Production and Marketing Administration, Department of Agriculture, Washington 25. D. C. Ref. WFO-44.

(1) *Effective date.* The provisions of this order shall become effective at 12:01 a. m., e. s. t., April 1, 1946. With respect

to violations, rights accrued, liabilities incurred, or appeals taken under War Food Order No. 44, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 44, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

NOTE: All record-keeping and reporting requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087)

Issued this 4th day of April 1946.

[SEAL]

CLINTON P. ANDERSON,
Secretary of Agriculture.

War Food Administration. Summary to WFO-44 Amd. 18.

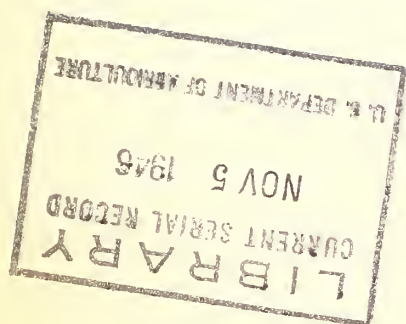
The U. S. Department of Agriculture announced today that canners of all species of salmon—except king, chinook or spring, steelhead, and blueback or sockeye packed in the continental United States—will be required to deliver to the Government 33 percent of their pack from April 1, 1946 to March 31, 1947, inclusive, and canners of pilchards, Atlantic sea herring, Atlantic mackerel, and Pacific mackerel will be required to deliver 45 percent of their pack during the same period.

The new percentages are contained in

Amendment 18 to WFO-44, which restricts domestic deliveries of canned fish. The action by the Department of Agriculture is based on a need for canned fish for Government, military, and relief purposes during the 1946 pack year. Amendment 18 also contains a provision limiting the amount of vegetable oil which tuna canners may use. This provision was in effect during the past season. Pilchard canners may receive credit for deliveries for export to the Philippine Islands if such deliveries are reported on the Pack Report Form. Canners are required to report their pack weekly as heretofore and file a total re-

port at the end of their season. The Pack Report Form (FDO-44-1) has been revised to provide space for reporting inventories and deliveries of vegetable oil for tuna canners and exports of pilchards to the Philippines.

Government needs for canned fish of all types included under WFO-44 are expected to be about the same as last year. However, it is estimated that the total 1946 pack will be about 70,000,000 pounds greater than the 1945 pack and domestic consumers will get about 480,000,000 pounds of all types of canned fish during 1946 as compared with 410,000,000 pounds last year.



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Cp. 5

WFO 44

AMDT. 19
MAY 16, 1946

DEPARTMENT OF AGRICULTURE

[WFO 44, Amdt. 19]

PART 1465—FISH AND SHELLFISH

RESTRICTIONS ON 1946 PACK OF CANNED
FISH

War Food Order No. 44, as amended (11 F. R. 3631, 5105), is further amended as follows:

1. By deleting the first sentence in § 1465.20 (b) (1) and inserting, in lieu thereof, the following: "No canner may sell or deliver any canned fish of his 1946 pack of any of the classes numbered 1 to 9, inclusive (designated herein), except as permitted by the provisions of this order."

2. By deleting, from the provisions in (b) (2) of § 1465.20, the words "classes numbered 1 to 4, inclusive" and inserting, in lieu thereof, the words "classes numbered 1 to 5 inclusive."

3. By deleting, from the provisions in (b) (8) of § 1465.20, the words "classes numbered 1 to 4, inclusive" and inserting, in lieu thereof, the words "classes numbered 1 to 5, inclusive."

This order shall become effective at 12:01 a. m., p. s. t., May 17, 1946. With respect to violations, rights accrued, liabilities incurred, or appeals taken under War Food Order No. 44, as amended,

prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 44, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087)

Issued this 16th day of May 1946.

(SEAL) CLINTON P. ANDERSON,
Secretary of Agriculture.

United States Department of Agriculture
Summary to WFO-44 Amendment 19

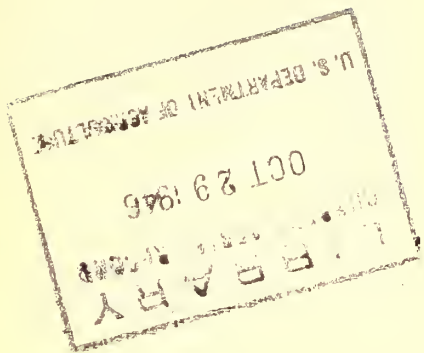
Canners of certain species of salmon previously exempted from set-aside provisions of War Food Order No. 44, will be required to deliver to the government 33 percent of their pack from April 1, 1946

to March 31, 1947, the U. S. Department of Agriculture announced today.

This action was taken in an amendment extending the order's provisions to include red, sockeye, or blueblack salmon packed in the continental United States, and king, chinook or spring salmon, and steelhead. All species of salmon now are included in the order, which provides for

the purchase of canned fish for government, military and relief purposes.

The order was amended because of increased requirements by claimant agencies. It will have little effect on domestic supply as the additional set-aside will represent a small portion of the total pack, according to the Department.



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WFO 44

AMDT. 20
JULY 19, 1946

DEPARTMENT OF AGRICULTURE

[WFO 44, Amdt. 20]

PART 1465—FISH AND SHELLFISH

RESTRICTIONS ON 1946 PACK OF CANNED FISH

War Food Order No. 44, as amended (11 F.R. 3631, 5105, 5459), is further amended as follows:

1. By deleting the first sentence in § 1465.20 (b) (1) and inserting, in lieu thereof, the following: "No canner may sell or deliver any canned fish of his 1946 pack of any of the classes numbered 1 to 3, inclusive, and 5 to 9, inclusive (designated herein), except as permitted by the provisions of this order."

2. By deleting, from the provisions in (b) (2) of § 1465.20 the words "classes numbered 1 to 5, inclusive" and inserting, in lieu thereof, the words "classes numbered 1, 2, 3, and 5, respectively."

3. By deleting, from the provisions in (b) (8) of § 1465.20 the words "classes numbered 1 to 5, inclusive" and inserting, in lieu thereof, the words "classes numbered 1, 2, 3, and 5, respectively."

This order shall become effective at 12:01 a. m., p. s. t., July 19, 1946. With respect to violations, rights accrued, liabilities incurred, or appeals taken under War Food Order No. 44, as

amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 44, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E. O. 9280, 7 F.R. 10179; E. O. 9577, 10 F.R. 8087)

Issued this 19th day of July 1946.

[SEAL]

N. E. DONN,

Acting Secretary of Agriculture.

United States Department of Agriculture
Summary to WFO-44, Am. 20

The Department of Agriculture today ended requirements that cannery set aside portions of their 1946 Chum salmon pack for governmental use.

It is estimated that over 238,000 cases of this most economical variety of salmon will be released to domestic consumers by the action taken in the 20th

amendment to War Food Order No. 44. Officials revealed that the new order, which applies to all cannery in Continental United States and Alaska, excludes this class of salmon from the quota provisions of the old order but requires that cannery must continue to report their pack of Chum along with other species of salmon.

The original order required that during the year starting April 1, 1946, one-

third of the Chum pack be reserved for government purchase to be used by UNRRA in relief feeding. Recently, it has been decided to cut canned salmon shipments out of the relief program.

Quotas for other classes of canned fish in the order remain 33 percent for all salmon except Chum, and 45 percent for Atlantic and Pacific Mackerel, Pilchards, and Atlantic Sea Herring.

U. S. DEPARTMENT OF AGRICULTURE

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WFO 44

AMDT. 21
AUG. 8, 1946

DEPARTMENT OF AGRICULTURE

[WFO 44, Amdt. 21]

PART 1465—FISH AND SHELLFISH

RESTRICTIONS ON 1946 PACK OF CANNED FISH

War Food Order No. 44, as amended (11 F. R. 3631, 5105, 5439, 7937), is hereby further amended as follows:

1. By deleting the first sentence in § 1465.20 (b) (1) and inserting, in lieu thereof, the following: "No canner may sell or deliver any canned fish of his 1946 pack of the classes numbered 1, 2, 3, 5, 6 and 8 respectively (as designated herein), except as permitted by the provisions of this order."

2. By deleting, from § 1465.20 (b) (1),

the provisions contained in Class 8 and inserting, in lieu thereof, the following:

Class 8. Atlantic mackerel (Scomber Scombrus). (For the period April 1, 1946, to August 11, 1946, inclusive.)

3. By deleting the provisions of § 1465.20 (b) (4), (6), (10) and (12).

4. By renumbering §§ 1465.20 (b) (5), (7), (8), (9), (11), (13), (14), (15) and (16) so that they will read, respectively, §§ 1465.20 (b) (4), (5), (6), (7), (8), (9), (10), (11), and (12).

The provisions of this order shall become effective at 12:01 a. m., e. s. t., August 11, 1946. With respect to violations, rights accrued, liabilities incurred, or

appeals taken under War Food Order No. 44, as amended, prior to the effective time of the provisions hereof, the provisions of the said War Food Order No. 44, as amended, in effect prior to the effective time of the provisions hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087.)

Issued this 8th day of August 1946.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

United States Department of Agriculture,
Summary to WFO 44, Am. 21.

The United States Department of Agriculture announced today that none of the 1946 pack of canned Atlantic sea herring, including Maine sardines, and no canned Pacific Mackerel will be set aside for delivery to Government agencies. Atlantic mackerel, canned after

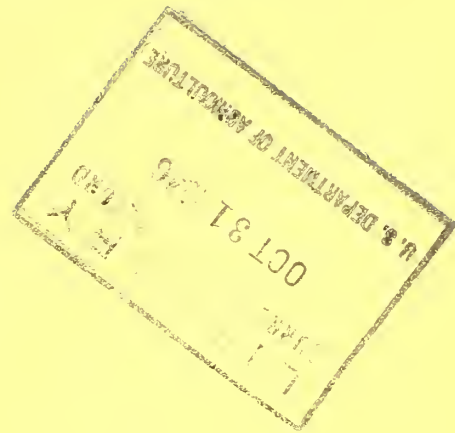
1946, is also exempted from set-aside provisions.

The action was taken through amendment 21 to War Food Order 44, and becomes effective August 11, 1946.

It is estimated that about 575,000 cases of Maine sardines and 261,000 cases of canned mackerel will be released to domestic civilian consumers as a result of the amendment.

Originally, canners had been required

to set aside 45 percent of their packs of these species for delivery to the Government during the year beginning April 1, 1946. Recent reductions in requirements for the United Nations Relief and Rehabilitation Administration and other relief needs, Department spokesmen said, have made it possible to revoke delivery restrictions. Canners of the affected species, however, must continue to report their packs until March 31, 1947.



[WFO 44-1, Amdt. 3]

FILING OF REPORTS; CANNED FISH

War Food Order No. 44-1, as amended (8 F.R. 5825; 9 F.R. 4321, 4319), is further amended to read as follows:

§ 1465.21 *Reports in connection with canned fish*—(a) *Definitions*. (1) "WFO 44" means War Food Order No. 44, as amended (8 F.R. 4227; 9 F.R. 4321, 4319).

(2) Each term defined in WFO 44 shall, when used herein, have the same meaning as is set forth for each such term in WFO 44.

(3) "1944 packing season" means the period (i) beginning with March 1, 1944, or any subsequent date on which a canner commences to produce any canned fish of the 1944 pack, and (ii) ending with February 28, 1945, or the date on which such canner ceases to produce any canned fish of the 1944 pack, whichever date is the earlier.

(b) *Weekly reports*. Each canner who produces any canned fish of the 1944 pack shall report on Form FDO-44-1 (Revised 3/1/44), entitled "Canned Fish: Weekly Pack Report," the total quantity of canned fish of the 1944 pack produced by such canner from each class of fish (designated in § 1465.20 (b) (1)

of WFO 44) during each calendar week of such canner's 1944 packing season. Each such report shall be submitted for each calendar week during the respective canner's 1944 packing season regardless of whether or not such canner produced any canned fish of the 1944 pack during a particular calendar week. Each report for a calendar week or a part thereof subsequent to March 1, 1944, shall be submitted as aforesaid within four days after the last day of each such calendar week or part thereof.

(c) *Seasonal reports*. In addition to the weekly reports required to be submitted pursuant to (b) hereof, each canner, as aforesaid, shall (1) report on Form FDO-44-1 (Revised 3/1/44) the total quantity of canned fish of his 1944 pack of each class of fish (designated in § 1465.20 (b) (1) of WFO 44) produced by such canner during his 1944 packing season and (2) submit such report within 15 days after the last day of such canner's 1944 packing season.

(d) *Completion of reports*. The respective reports submitted pursuant to (b) and (c) hereof shall be completed in accordance with the instructions contained on the aforesaid Form FDO-44-1 (Revised 3/1/44).

(e) *Filing reports*. All reports required to be submitted pursuant to this order shall be addressed to the Director of Distribution, War Food Administration, Washington 25, D. C., Ref. WFO 44.

(f) *Effective date*. This order shall become effective at 12:01 a. m., e. w. t., July 16, 1944. With respect to violations, rights accrued, liabilities incurred, or appeals taken under War Food Order No. 44-1, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 44-1, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding, with respect to any such violation, right, liability, or appeal.

NOTE: All reporting requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14785)

Issued this 10th day of July 1944.

LEE MARSHALL,
Director of Distribution.

War Food Administration,
Summary to WFO 44.1 Amendment 3.

The War Food Administration has further amended Director War Food Order 44-1, as amended, requiring fish canners in the Territory of Alaska and in the states of Washington, Oregon, and California to address their weekly and

seasonal pack reports to Washington, D. C., instead of to the Office of Distribution's Regional Office in San Francisco. The reports should be mailed after July 16, 1944, to the Director of Distribution, War Food Administration, Washington 25, D. C., Ref. WFO 44.

Because chum salmon recently has been added to the list of canned fish

required to be delivered to the Government under WFO 44, as amended, the amendment to Director WFO 44-1, as amended, adds that product to the group on which reports are required. All other requirements of Director WFO 44-1, as amended, on March 3, 1944, remain the same.

GPO—WFA 5—p. 1

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OFFICE OF DISTRIBUTION
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[WFO 44-1, Amdt. 4]

PART 1465—FISH AND SHELLFISH

FILING OF REPORTS; CANNED FISH

War Food Order No. 44-1, as amended 3 F.R. 5825, 9488, 9 F.R. 2536, 4321, 4319, 310, 10 F.R. 103), is further amended as follows:

1. By deleting the provisions in (1) of 1465.21 (a) and inserting, in lieu thereof, the following:

(1) "WFO 44" means War Food Order No. 44, as amended (8 F.R. 4227, 8797, F.R. 2489, 4321, 4319, 7361, 9584, 10624, 9 F.R. 103, 555).

2. By deleting "February 28, 1945"

WAR FOOD ADMINISTRATION

from the provisions in § 1465.21 (a) (3) and inserting, in lieu thereof, "March 31, 1945."

This amendment shall become effective at 12:01 a. m., e. w. t., March 1, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 44-1, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 44-1, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

WFO 44-1

AMDT. 4

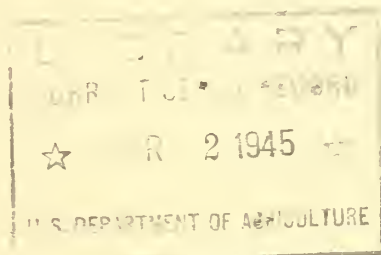
FEB. 26, 1945

NOTE: All reporting requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 44, as amended, 8 F.R. 4227, 8797, 9 F.R. 2489, 4321, 4319, 7361, 9584, 10624, 10 F.R. 103, 555)

Issued this 26th day of February 1945.

H. E. REED,
Acting Director
of Marketing Services.



WAR FOOD ADMINISTRATION

[WFO 44-1, Amdt. 5]

PART 1465—FISH AND SHELLFISH

FILING OF REPORTS: CANNED FISH

War Food Order No. 44-1, as amended (9 F.R. 7810; 10 F.R. 103, 2345), is further amended to read as follows:

§ 1465.21 *Reports in connection with canned fish*—(a) *Definition*. (1) "WFO 44" means War Food Order No. 44, as amended (9 F.R. 7361, 9584, 10624; 10 F.R. 103, 555, 4377).

(2) Each term defined in WFO 44 shall, when used herein, have the same meaning as is set forth for each such term in WFO 44.

(3) "1945 packing season" means the period (i) beginning with April 1, 1945, or any subsequent date on which a canner commences to produce any canned fish of the 1945 pack, and (ii) ending with March 31, 1946, or the date on which such canner ceases to produce any canned fish of the 1945 pack, whichever date is the earlier.

(b) *Weekly reports*. Each canner who produces any canned fish of the 1945 pack shall report on Form FDO-44-1 (Revised March 10, 1945), entitled "Canned Fish: Weekly Pack Report," the total quantity of canned fish of the 1945 pack produced by such canner from each class of fish (designated in § 1465.20 (b)

(1) of WFO 44) during each calendar week of such canner's 1945 packing season. Each such report shall be submitted for each calendar week during the respective canner's 1945 packing season regardless of whether or not such canner produced any canned fish of the 1945 pack during a particular calendar week. Each report for a calendar week or a part thereof subsequent to April 1, 1945, shall be submitted as aforesaid within four days after the last day of each such calendar week or part thereof.

(c) *Seasonal reports*. In addition to the weekly reports required to be submitted pursuant to (b) hereof, each canner, as aforesaid, shall (1) report on Form FDO-44-1 (Revised March 10, 1945) the total quantity of canned fish of his 1945 pack of each class of fish (designated in § 1465.20 (b) (1) of WFO 44) produced by such canner during his 1945 packing season and (2) submit such report within 15 days after the last day of such canner's 1945 packing season.

(d) *Completion of reports*. The respective reports submitted pursuant to (b) and (c) hereof shall be completed in accordance with the instructions contained on the aforesaid Form FDO-44-1 (Revised March 10, 1945).

(e) *Filing reports*. All reports required to be submitted pursuant to this order shall be addressed to the Director

of Marketing Service, War Food Administration, Washington 25, D. C., Ref. WFO 44.

(f) *Effective date*. This amendment shall become effective at 12:01 a. m., e. w. t., April 1, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 44-1, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 44-1, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

NOTE: All reporting requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 44, as amended, 9 F.R. 7361, 9584, 10624; 10 F.R. 103, 555, 3277)

Issued this 27th day of March 1945.

C. W. KITCHEN,
Director of Marketing Services.

War Food Administration,
Summary to WFO 44-1, Amendment 5.

Canners of fish must continue to file weekly and seasonal reports during the 1945-46 packing season, the War Food Administration announces. Continua-

tion of these reports during the pack season—April 1, 1945, to March 31, 1946, inclusive—is provided in an amendment to WFO 44-1.

Each canner must continue to report each calendar week the quantity and class of fish packed by him. Such re-

ports are to be submitted not later than four days after the last day of the week. A report showing the total quantities and classes of fish packed is required within 15 days after the last day of the packing season.



